







A N
E S S A Y
O N
TRUTHS OF IMPORTANCE
T O T H E

Happiness of Mankind.

WHEREIN
The Doctrine of OATHS, as relative to
RELIGIOUS and CIVIL GOVERNMENT,
is impartially considered.

The Whole submitted to Public Examination;

By the late Rev. Mr. HERPORT,

A celebrated Divine of the Canton of BERNE.

TRANSLATED from the G E R M A N.

L O N D O N :

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M D C C L X V I I I.

THE meanest subject, who of his own accord, without any hire, clears the streets of loose stones, is, in his sphere, a patriot.

That member of society, who does not make his liberty to consist in licentiousness, but uses it subordinately to the laws, and in the love of his neighbour, is a patriot in a higher sphere.

The ruler who makes the public welfare his constant object, and lays himself out in promoting the safety and happiness of his subjects, is a glorious patriot, worthy of all respect and love; a gift of Heaven!

Thus every one, whatever his station be, may acquire the name of patriot, than which none is more honourable.

Bayreuther
Staatsbibliothek
München.

The A U T H O R's
P R E F A C E.

*M*ANY eminent statesmen, sensible of the abuses of oaths, allow, that, under the most reasonable form, the duties implied in them are of such extent, as to render the performance of them extremely difficult. Indeed they are so numerous, that, to keep a clear conscience, is next to impossible; and so enormous are the present abuses, that every one must necessarily be convinced of them. Whoever obtains an office civil or military, must swear to so many particulars of various kinds, and confirm his oath with such imprecations on himself, as if it was on this oath, and not the coercion of the laws, that the good behaviour of the subjects depended; and this is a mistake common to all governments. Some considerate men in power, indeed, have not been wanting in nervous and affecting representations to

remove the stone of offence, but without effect; and we have still some who would be thought men of virtue, but they are ashamed of being such. The appellations of precisian, humourist, innovator, so discourage them, that their zeal for reformation of abuses cools; and what totally quenches it is, that without taking the oath they must not think of any preferment. Thus they conform, and swear along with the unthinking vulgar. Bad as this is, it is nothing strange; the nature of man being such, that the cares and attachments of the present life absolutely swallow up all concern for futurity. Temporal joys are preferred to the eternal; conscience, if not utterly stifled, is lulled asleep with deceptive suggestions, and eternity being out of sight is out of mind; so that amidst the most evident conviction of the great necessity of reformation, things continue on the old footing; and the more, as the appointed watchmen of Jerusalem are silent concerning this impiety; swear to the same things, and know the imprecations with which oaths are accompanied, yet never open their mouths to the rulers for freeing the country from this dreadful prevalence of perjury. Intimidated by a wretched custom, and the dread of civil power, they forbear arraigning the supposed sacredness of
these

these imprecations: though their office seems to require that they should strictly examine the banefulness of such oaths by the holy Jesus's declaration, and teach Christendom a better way of thinking. The dictates of the Holy Spirit, transmitted to us by Ezekiel and the apostles, should be their rule, and not an oath instituted in the times of darkness, and by libertines, and which owes all its sacredness to long custom. It is on account of this that the author has been induced to venture on an endeavour to set this horrid abuse in a clear light, and thus explode a custom which from its very beginning has been found big with the worst of evils. Several very sensible persons have encouraged him in undertaking what his calling, and even the oath which he also has taken, make his duty. Love to man has at length overcome the fear of man. He offers to the judgment of all Christendom the form of a rational oath, thoroughly adapted to the security of the state, and at the same time intirely reconcileable with the freedom of conscience. He earnestly wishes that a trial were made of his good intentions, in order to the deliverance of Christians from such a galling yoke. As to those who wedded to custom, as the safest way, disdain any examination, let them feed on acorns instead of bread; another custom

of a very long standing, and still in use among the savages. By way of strengthening their armour, I beg leave to refer them to the conclusion of this treatise, p. 112, where they may try their abilities, and whether it be so very easy, even with the assistance of reason of state, so to suppress the light of reason and revelation, by the authority of custom, but that sometimes a ray shall break through so as to alarm their conscience, and the more, as this custom must be owned to carry in it something dreadful to human nature, and incompatible with the innate desire of happiness: then, on more mature deliberation, they may themselves judge whether these oaths do not totally overthrow all relation of a man to God, his neighbour, and himself, whether they be not an unnecessary practice in government, and a flagrant violation of the perfect law of love?

Sentence

Sentence passed on the following
ESSAY by the **SECRET COUNCIL**
 of **BERNE**.

WITHIN the current year has been
 printed a book, with the title of,
 “**Essay on some Truths of Importance re-**
 “**lative to the Happiness of Mankind.**”

It chiefly turns on the taking of oaths,
 and is so full of errors and dangerous
 doctrines, that it really tends, in that respect,
 to sap the very foundations both of our holy
 religion and our government.

Accordingly their excellencies, our so-
 vereign lords, that their beloved subjects
 might not be drawn into error by reading a
 book, which, in every light, is extremely to
 be condemned, have declared by these
 presents,

(1st) That the said book, whenever it
 shall publickly appear, either under the
 above or any other title, as likewise any

translation or copy of it, shall be prohibited throughout the whole extent of the countries under the dominion of their excellencies.

(2dly) That such copies as may now happen to be in the hands of any of the subjects of their excellencies, shall be delivered up within eight days from the publication of these presents ; and the justice of the place is hereby ordered to remit them to their excellencies.

(3dly) But if, contrary to these orders, any subject of their excellencies should not answer the confidence placed in their obedience, to the express tenor of this their excellencies very earnest prohibition, such a one so far failing in his duty as not to deliver up, to the justice of the place, the said book within the term prescribed, shall, on discovery, pay a fine of a hundred dollars (20 l. sterling). The same penalty shall be laid on all who shall buy or sell a printed or written copy, either of the present or any future editions of the said book, as likewise of any translations which may be made of it ; so that neither the present nor future owners and buyers are in any-wise to expect the least abatement of the fine.

(4thly)

(4thly) The whole of this fine shall go to the informer, and his name be closely concealed.

This their excellencies injunction shall in consequence be made public from the pulpit; that every one being forewarned, may secure himself from any loss or damage, and the transgressors may not plead ignorance; but be assured that they shall be strictly proceeded against, according to the tenor of these presents, without any reservation or distinction of persons. Given this 16th of September 1766,

Signed by the town-clerk of Bern.

LETTER

**LETTER from a GENTLEMAN at
BERN, concerning the Sentence
of the SECRET COUNCIL against
the Reverend Mr. HERPORT.**

S I R,

THE sentence lately passed here by our regency against the reverend Mr. Herport gives me such concern, that I have thought myself obliged to enter on a close examination of it, and communicate to you my opinion, together with a brief account of this transaction.

It is now above twenty years since Mr. H. had employed himself about a method for bringing within due limitations the forms of our oaths, together with the absurd extension of them ; and after long labour and indefatigable application, he has at length completed his point. Hereupon his prudence led him to communicate the manuscript

manuscript of his Essay to some persons who have a perfect understanding of our constitution, and to wait their opinion of his performance. It being every where read with the highest approbation and applause, he made no farther difficulty of committing it to the press. But Mr. Professor Stapfer, though he had very much commended the work, would not allow the printing of it here, and proposed Biel; with which direction Mr. Herport complied.

Of the first copies which came to his hands he sent one to Mr. Counsellor Tillier; asking, in the most civil and respectful terms, whether he might take the liberty to communicate copies to the other magistrates? But to this no answer was vouchsafed.

Now comes on a procedure, in my opinion, extremely precipitate, if not downright illegal. Granting that the secret council, before whom the affair was brought, had, on their examination of the Essay, found in it some positions prejudicial either to our religious or civil constitution, plain natural equity required, nay it was absolutely necessary, that Mr. Herport should have been
allowed

allowed a hearing ; and the rather, his Essay being offered to the public examination, as the very title-page shews. But whether multiplicity of business or other causes hindered the secret council from duly attending to so essential a point, I shall not pretend to enquire ; be that as it may, contrary to all law, out came a most rigorous sentence against the author, without any hearing or personal examination.

Mr. Herport, indeed, immediately appealed to the supreme power, convinced that, his cause being still depending, he was not bound to keep to the arrest mentioned in the sentence, and illegally put in execution. You well know that the respite of a sentence, though passed by a court of justice, and which affects person, character, and liberty, is by our laws allowed to the meanest subject, much more to a citizen in every way respectable ; and that an arrest in such a case neither can nor ought to be valid ; as thereby the party is disabled from making use of all those privileges to which he is intitled for his defence ; but of all these benefits Mr. Herport was deprived.

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The arrest was continued ; and the opinion of the secret council, which had been registered with more than ordinary privacy, by reason of his appeal, was not delivered in, being as it were stifled in its birth.

At length he obtained a hearing before the secret council, where no other question was put to him, but why he did not conform to Professor Stapfer's instructions ? And concerning which having fully justified himself, he was ordered to withdraw, and his former petition, that Professor Stapfer's theological reflections on the Essay in question, which had been drawn up by order, and delivered to the council, might be communicated to him, was peremptorily rejected. This is very remarkable, especially it being well known that these reflections of Professor Stapfer had been twice, but certainly once, new-modelled, not to mention the calumnies thrown out against the author on this account.

Is not this asserting one's claim sword in hand, and trampling on the very fundamental laws ? With what view and to what end were these reflections altered, which at the first instance had been drawn
up

up by order ? To refuse the accused a fight of them, when possibly that would have given a happy and speedy issue to the affair, is such an extraordinary procedure as must cause strong suspicions.

Mr. Herport, from his great age and many bodily infirmities, which are well known to you, conceived that a short absence for the recovery of his health could give no offence, especially as having previously acquainted Mr. Wattenbach of the secret council with his intention, at the same time solemnly promising to surrender himself on the first notice.

But he was no sooner returned than the secret council arraigned him before the supreme court, as one who had broke his arrest, and, without their warrant or approbation, by their own power, confined him to the hospital. In the mean time the affair was referred for a farther discussion to the secret council, which proceeded to give their decisive opinion, without allowing Mr. Herport a hearing ; and this was followed by the supreme court's sentence, which hitherto is without a precedent.

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It was not decided till after six alternatives or motions; and of these the principal, in which ninety-six members were for the closer examination and prosecution of the affair, and only six for the adjournment of it, was postponed. But the five others, which turned on the depriving him of his ecclesiastical character, in determining the time and place of his confinement, whether for a stated time or for life, whether the hospital or his house, or continue or take away his stipend, were in a great measure brought to an issue.

In the sentence he was treated like a wretch who had endeavoured to subvert the religion and government of his country, and whose behaviour called for punishment.

As the punishment inflicted on Mr. Herport, if guilty of such crimes, is unwarrantably mild, so, on the other hand, if he be not guilty, his judges have committed a most iniquitous precipitancy; the sentence not being preceded by any examination, nor was it possible; for the copies were seized, and carried away with such rapidity, as not to leave any time for his judges, if so disposed, maturely to consider and digest the contents

of the Essay. Farther, the whole conduct of the process manifests throughout a spirit of acrimony rather than justice, and casts a very dark shade on the prostituted abilities of his judges. Thus this affair still remains a problem, which renders Mr. Herport still more estimable to all impartial and sensible persons, and brands his adversaries with marks, which would be very painful to those who are not quite lost to virtue and character.

The proclamation issued against the Essay has an ill look; the very title-page, an important point, as declarative of the purity of Mr. Herport's intention, being there mutilated, and called only, "An Essay on some Truths of Importance to the Happiness of Mankind;" whereas in the original the author prudently added, "submitted to examination." Farther, in the said proclamation it was set forth as a book full of pernicious doctrines, and tending to subvert our religion and government; nay, the French proclamation has termed it downright *Livre Damnable*.

The whole management of this charge, from the beginning to the end, was carried
on

on with such flagrant and enormous illegalities, that the consequences loudly call for a general animadversion and speedy redress.

There has been no refutation of his elaborate performance, neither public nor private ; no trial, nor hearing of his defence before any of his judges ; no regard paid to his character, to his age, to his family, to his rights as a fellow citizen, nor even to his life, which, for want of air and exercise, was soon brought to a final period. He was seized with a total stoppage of perspiration, a few months after his confinement, and departed with great serenity of mind ; leaving his widow a comfortable maintenance, and in his book an everlasting proof of his superior merit, erudition, piety, love of truth, humanity, ardent zeal for the prosperity of our country, for the defence of our sacred liberties, and those of mankind in general. His fate was that of most reformers in church and state. He fell a victim to pride, to ignorance, to the resentment, and to the wickedness, of guilty consciences.

The prevailing practice of adopting the quirks and frauds of Machiavel's execrable system, in lieu of our ancient fundamental

mental laws and maxims, threatens nothing less than the total overthrow and dissolution of our yet flourishing state.

God grant that I may be as much mistaken in my prognostication, as I am sincere and fervent in my wishes for the continual welfare and prosperity of Switzerland.

Berne, March 19, 1767.

Literary

Literary Intelligence concerning the
celebrated AUTHOR.

SWITZERLAND.

THE bigotted, and short-sighted enemies of civil and religious liberty, who forced the celebrated Rousseau to take refuge in England, are at this instant scandalously persecuting the sensible, the worthy author of an excellent book, intitled, "An Essay on Truths of Importance to the Happiness of Mankind." His name is Herport, a learned, public-spirited divine, a citizen of Berne. Being known to be the author of the above-mentioned treatise, he hath lately been put under arrest in his own house by the secret council of Berne; all the copies of his work (a very few excepted) are seized, and he will probably be deprived of his stipend, and branded with infamy. Such are the rewards which these pious guardians of the people are about to bestow upon a subject, whom justice, not to mention generosity, would have loaded with honours.

GENEVA,

GENEVA, August 11, 1766.

The secret council of Berne hath declared, that a work lately published in that city, intituled, "An Essay on Truths of Importance to the Happiness of Mankind," (in which the case of oaths enjoined by magistrates is particularly considered) contains *dangerous truths*; that all the copies of that work, which they had seized, a few excepted, shall be burned; and that the author of it shall be put under arrest for a year, and pay all cost of printing it, &c.

The author, Mr. Herport, a venerable ecclesiastic of Berne, seventy-five years of age, of consummate erudition, and equal judgment, a divine earnest in the defence of sacred truth, and liberty, hath appealed to the sovereign council of Berne, which, it is believed, will annul the sentence of the little council, and reinstate Mr. Herport with due honour.

AN

GENEVA

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O N
TRUTHS OF IMPORTANCE
T O T H E
HAPPINESS OF MANKIND.

S E C T I O N I.

THE universe affords nothing so deserving our consideration and wonder as our very selves. Nothing is so noble as man: of all sublunary beings, he is the master-piece. His origin, his birth, his education, his growth, his life and death, all are mysterious. The philosopher considers him according to his nature, and the actions arising from it, which are to be directed by reason. The

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divine

divine views him relatively to the end of his creation. The statesman as a member of society. These several considerations of man being connected and maturely weighed, we shall be enabled to form a judgment of his whole conduct, his desires, and aversions, with the respective grounds and causes of them, and such a judgment as will come pretty near the truth. In order to this we are, with the philosopher, first to enquire into his nature; and here we immediately perceive man to be a being compounded of soul and body; two essences whose natures are infinitely different, and whose internal frame and original substance are totally unknown to us; and all the ideas we can form of them are deducible only from their properties and actions, which, however, may be sufficient for our purpose.

SECTION II.

The body.

THE first which offers itself to our view is the body, which the chemists make to consist of earth, oil, and water; or, according to their phraseology, of salt, sulphur, and mercury. From their extracting them by fire, they conclude them to be the

the constituent parts of the body, although they cannot surely be ignorant, that fire gives very different forms to all parts of matter. They farther affirm, that, from the mixture of these constituent parts, all our members are framed, the solids or hard, as the bones; the soft, as the flesh, skin, and nerves; the fluids, as the juices. As the members must be adapted to their functions, this mixture is so ordered that the solid parts abound in earth, have little oil, and the least water of any. Now, on a view of the structure of the body; its admirable beauty, and majestic form, intitle it to the preference above all other creatures. If we further consider the disposition, symmetry, and construction of all its members, their mutual relation, the amazing circulation of the blood and juices, the intimate connection between the solid and fluid parts, the fineness of the organs of our senses, those minute vessels, even too small for sight, and yet the chief instruments in the preservation of life, and all this so constituted, that these several organs and instruments, soon or late, wear themselves out; that all the parts, amidst the most exact harmony, are in a perpetual conflict with each other; that by this very conflict our

being is supported ; and that motion, which is the life of the body, is likewise the cause of its death : I say, after such considerations, we must allow, from the multiplicity of those contradictions, that man depends on a superior Being, whose omnipotence is, as it were, momentarily creating him anew, and supporting his existence. Farther also, that the vast globe, the elements of which are likewise always at variance, would sink into its primitive non-entity, unless upheld by his almighty hand. Had we the eye of a dexterous anatomist, we should with transport perceive, that there is no part of us apparently so mean, as not to fill us with adoration and wonder at the divine wisdom and omnipotence. To give only a single instance, and that within every one's knowledge: among so many millions of faces all similar, yet not two perfectly alike, ask the most skilful painter if his art be not at a stand, when he is to represent only two or three hundred different faces ? Now, what are two hundred to the many millions med by the Almighty, and all with such a sensible difference, that the universe does not afford two faces perfectly alike ? Whoever is desirous of a deeper insight into these wonders, may consult the great
Haller

Haller, who will convince him that our nature abounds with many more mysteries, which no human sagacity can comprehend and account for.

SECTION III.

IN this body we perceive something of quite a different nature and quality from the body itself: a power of feeling, thinking, reflecting, comparing, chusing, and representing to itself things past, present, and to come. This power, relatively to its several operations, is termed comprehension, understanding, reason, mind, will, freedom; all which collectively are expressed in the single word SOUL. The antient philosophers long laboured to discover its nature, but in vain; and their opinions were the more absurd, as they were for explaining what they did not in the least understand. According to Thales, it is an essence in perpetual motion; Plato will have it to be a harmony; Pythagoras a self-moving number; Hippocrates defines it a vital spirit diffused through the body: others affirm it to be a particle taken from the Deity, or of the universal mundane spirit: others fire, air, water, or earth

The soul
and its fa-
culties.

something refined ; and there are not wanting some who hold it to be a mere chimaera, a non-entity. There is nothing so insipid that the philosophers will not dish up, and their sectaries greedily feed on and digest. Whatever is taught, be it ever so absurd, will meet with disciples ; but all these cavillings have only verified St. Paul's saying, *thinking themselves wise, they became fools*, Rom. i. What then is this *something* possessed of such faculties ?

As to the corporeal world, we are strangers to the elements of its several parts ; and in the spiritual world, we are still more ignorant : all therefore we can do is to observe and examine its operations. *We think*, and are conscious that such powers exist in us. *We understand* : when our thoughts present themselves to the understanding, we admit them as they are ; as the eye fixed on an object receives the image without meddling with it in any shape. *We feel* : that is, according to the motion which objects excite in the body, we are, whether we will or no, affected with pain or pleasure, and pleasing or displeasing thoughts spring up in our minds. *We chuse* : that is, we assent or refuse, we will or will not. All objects of the mind or intellect are either true, false,

false, or dubious : all objects of the will are either good, evil, or indifferent. With respect to the mind, we cannot but allow what is true, it being impossible to withhold our assent to things which *evidently* carry their proof with them. Who can deny that two and two make four? With regard to the will, we likewise cannot but embrace the good, without any arbitrary freedom to chuse or to reject it. Our pursuit of happiness is, as I may say, so linked, so ingrafted into our nature, that what is false we cannot but dissent from, and evil we must no less necessarily shun and detest. There is no loving error as error, nor evil as evil. To gain our assent, and attract our desire, falsity must put on the appearance of truth, and evil dress itself up in the attire of good. Thus it is only in matters doubtful and indifferent, without any cogent inducement, that freedom takes place. In doubtful cases we may suspend our opinion, assent or dissent, comply or refuse. If good be apparently equivalent, we can prefer one to the other, or chuse this or that. Now this is the amount of all that we are clearly conscious of concerning the faculties of the soul.

SECTION IV.

Wherein
this union
consists.

THE union of these two so very different essences constitute MAN ; and herein consists this union, that the body operates on the soul, and the soul on the body, so intimately, that every one can certainly know, that both his body and soul are properly his own. I will that my eye close itself; accordingly my eye, and not another's, immediately closes itself. My eye on seeing a horse, excites the image of that animal in my soul, and not in the soul of another. I saw the king yesterday ; I myself remember, and not another ; and this remembrance making me desirous of seeing him again, my soul orders my feet to move ; and accordingly my feet, and not those of another, go where the king is to be seen. This is a matter above all cavilling ; it is verified by continual experience. By this union the powers of the soul are exalted ; the memory and imagination quickened ; the understanding filled with innumerable ideas, thousands of images being perpetually represented to the intellect by the organs of our senses ; else this store-house, now so full of inestimable riches,

riches, would be quite empty and desolate. The conveyance of this infinite multitude of images some philosophers explain in this manner. On any outward object vibrating, or moving the organs of our senses, this motion is propagated to the brain, the supposed residence of the soul; and the brain, being likewise put in motion, diffuses thro' the nerves those inconceivable minute animal spirits, of which no microscope can perceive the least trace in this apartment of the soul. Thus it is that images are excited in the mind, and presented to the understanding, and they incline and fix the will according to the approbation of the understanding, to which the will necessarily conforms, and in consequence acts to the utmost of its power.

Such is the system of *natural influence*: but others, who stile themselves *Theosophi*, not conceiving how the most subtile bodies, the very rays of light, yet infinitely different from a spiritual nature, can act on the soul, have introduced a *spirit of nature*, a *relative* spirit, which they term a sensitive soul. This is supposed to transmit the images, to convey the will's orders to the senses; otherwise the will that the eye should be shut could not be performed. On the natural

tural spirit depends the motion of the nerves, the circulation of the blood, the growth and the increase of all the juices. This is the *archeus*; this directs all the motions of the body, according to the injunction of the will, which yet knows nothing of all this. For this system Van Helmont, Paracelsus, Boehm, Poirat, and all the chemists, in general, have declared, without giving any satisfactory proof of it.

Other philosophers explode natural influence, as not at all capable of exciting images in the soul, and advance that to fill up the infinite gulph between the soul and the most subtle corpuscles, nothing less is required than the divine Omnipotence; and that God, through the medium of such and such motion in the body, excites such and such thoughts in the mind. For instance, the light of the sun hurts my eyes; if I approach too near the fire it burns me: on this occasion, God excites, or even forms in my mind, the ideas or sensations of pain. On the other hand, the thought, that to die for one's country is glorious, prompts the body to the most heroic achievements. According to this system, which Mallebranche has stretched to its utmost extent, God must be the proximate cause of all thoughts

thoughts in the soul, and of all motions in the body. As the above mentioned theosophists have imagined, a spirit of nature, an *archeus* *, an intermediate being between body and spirit, as the medium of these operations ; so this philosopher has called in the infinite omnipresent God for the like purpose.

On this system the sagacious Leibnitz has founded another, which having, by the celebrated Wolfe, been set in a clear light, has gained universal admiration. He supposes God to have created the body and soul as two distinct machines, the body having in it the principle and cause of all motions, and the soul that of all thoughts ;

* The principle of life and vigour in any living creature. The ancient chemists used, by this term, to express some certain principle of life and motion, as the cause of all the effects observable in nature ; and it has been applied by them to very different things. Some used to signify the fire lodged in the centre of the earth, and ascribed to it the generation of metals and minerals, and supposed it also to be the principle of life in vegetables : others understood by it a certain universal spirit, which, as they imagined, is diffused throughout the whole creation, and is the active cause of all the phenomena of nature. Others give it the name of *anima mundi*, i. e. the soul of the world ; and some call it the Vulcan, or heat of the earth. They suppose there is a share of this archeus in all bodies, which, when it is corrupted, produces diseases, which they term Archeal Diseases.

that

that these two machines cannot work on one another, but each performs its respective functions ; as two distinct clocks have each their several wheels and balances, yet are made with such skill, that both, in the same point of time, shew the iame hour. Thus all motions of the body, all vibrations from external objects, punctually answer to the operations of the mind, and these correspond with the motions of the body. I see a gilded statue ; the idea of this gilded statue does not arise from my seeing the image, but because, at the same point of time that my eyes saw the statue, my soul produced this idea. I would shut my eyes, and they are instantly closed by a natural motion, without the body's knowing any thing of the soul's will. I am too near the fire, and the soul engenders a thought of pain ; and this it would have, though no fire had been near my body. The body removes from the fire, without any knowledge of ideas of pain in the mind, and the body abstractedly cannot suffer. This is the system of *Harmonia præstabilita*. In one point they all agree : the certainty of an union.

All these systems swarm with unsurmountable difficulties. Could philosophic
pride

pride allow of it, it would be more rational to cover the unsearchable mode of this union with a *non liquet*; as the Roman senators, in perplexed causes, instead of passing judgment, only said *non liquet*. The mutual operation of the soul on the body, and of the body on the soul, is as clearly known to us as two and two make four.—But the how! which all the discussions have hitherto only involved in thick darkness, seems reserved for eternity, where we shall behold the divine Wisdom and Omnipotence in their meridian lustre, and admire and praise them through endless ages. But in this imperfect state the merest dunce knows as much of it as the most subtile scholar; with this small difference, that the latter more easily discerns the boundaries of sciences; whereas the former knows nothing of boundaries, nor so much as that he knows nothing. A Locke, a Leibnitz, a Wolfe, a Bonnet, may impart such a light to the lovers of wisdom, by which they shall the better perceive the extreme darkness and debility of reason, and this is always a step nearer to truth.

SECTION V.

The pas-
sions in
them-
selves
good.

FROM this union of soul and body are derived all our passions. Hatred, love, joy, grief, fear, hope, all affections, by whatever name distinguished, are a mixture of the powers of our body and soul: these are the springs of all our conduct; in these all our actions, whether praise-worthy or scandalous, have their beginning. These passions are, in their nature, good and beneficial, necessary to the discharge of our callings: they are as the gale by which we make way in the voyage of life. But, as in the world, air, fire, and water, are of the highest use, so from them arise the greatest damages. The wind promotes navigation; but what havock does a storm make among the shipping? All passions, as they tend to the pleasure and happiness of life; so are they productive of trouble and wretchedness, if not under the sway of reason, or restrained by laws. To shew how they spring from the intermixed powers of soul and body, to unfold their great number, their several degrees, their various kinds, with their many disguises and contrarieties, would carry me too far; and besides, we
may

may find these points amply explained in treatises of morality: but I cannot forbear observing, that, by different mixtures of the juices, by age, custom, food, air, water, labour, rest, education, and government, our passions are weakened, or gather strength. Some get the superiority over others; and hence the different manners of nations, so that what with one is a crime, is only a matter of indifference to another; and the man whom we adore as a demigod, is by others detested as a murderer, and a pest to society. The noble spirited man others shall account a reptile; and the liberal a giddy profligate. A stupid infidel shall be stiled a free-thinker, who has nobly cleared his mind of superstition, and the mean prejudices of education. A grasping placeman shall pass for a man of parts, who understands his business. Thus the passions obscuring our understanding, we do not see things in a true light; and hence false opinions and wrong sentiments, making virtues vices, and vices virtues. To such a pitch do our passions blind us, that we pass judgment on our neighbour, not according to his real good or bad qualities, but as we love or hate him: his piety we will have to be hypocrisy;

fy ; his liberality lavishness ; his probity weakness ; his prudence knavish artifice ; and his uniform temperance meer stinginess : in short, according to what terms he is on with us, we make him an angel of light or a devil ; his good qualities are misrepresented, and his bad palliated.

SECTION VI.

Are in a
perpetual
conflict.

IT is farther observed, that all parts of the body are perpetually at variance, so long as it lasts ; and the outrageous passions continually revolting against reason, scarce allow us any short interval of tranquillity. Had we only reason and no passions, or passions without any reason, we might enjoy the quiet of the brute creation ; but having both, and the passions getting head, torment, agitate, and distract us to such a degree, that frequently what we impatiently desired in the morning, in the evening we are totally indifferent about. What to-day was the object of our warmest wishes, to-morrow we refuse. What we have long and strenuously laboured after, when once enjoyed, we soon nauseate. This fickleness may be easily accounted for in the violent contests among the passions, the stronger

er overcoming the weaker. The love of fame can expel avarice, and avarice voluptuousness: this again can suppress hatred, and hatred get the better of fear; this very often overawes injustice; and even the moderate passions not seldom restrain the more impetuous and extravagant. All these passions stimulate desire, and impose on the understanding; so that we will what we ought not, and do unseasonably what we once could not be brought to do, and when we ought to have done it: hence it is, that we so often catch at misery instead of happiness, and at delusive appearances instead of realities.

SECTION VII.

TO these collisions of the passions are likewise owing the different modes of thinking. As among so many thousand faces not so much as two are found perfectly alike, though all have the same features, forehead, chin, eyes, cheeks, mouth, and nose; so amidst the many millions of souls, all, if I may be allowed the expression, are formed of the same elements, all have the like scope, all subject to the like passions, breathing the like desires after happiness,

C

yet

Whence
the dif-
ferent
kinds of
thoughts.

yet all so different in their thoughts, that it may be held as a certain truth, there are not two souls throughout the universe whose thoughts are absolutely alike : this, in some measure, accounts why mankind take such very different roads in their pursuits after happiness.

SECTION VIII.

General
observa-
tion.

AFTER this faint sketch of mankind, we cannot but be filled with admiration at the divine wisdom and power, which amidst all the contrarieties of man, can so over-rule and guide him, that, notwithstanding all reluctance and opposition, he shall certainly keep within the orbit assigned to him. What a master-piece! A being compounded of so many qualities infinitely different, of light and darkness, wisdom and folly, of liberty and slavery, of dignity and abasement, of reason and passions; a being, the powers of whose soul and body wage unremitting war against each other, and among themselves. The ingenious Pascal, that scourge of the Jesuits, has, in his *Pensées*, given us a very lively picture of the contradictions in man. *Quelle chimère est ce donc que l'homme! Quelle nouveauté, quel cabos,*
2 *quel*

quel sujet de contradiction! Juge de toutes choses, imbecile ver de terre; dépositaire du vrai, amas d'incertitude; gloire et rebut de l'univers. S'il se vante, je l'abaisse; s'il s'abaisse, je le vante; et je le contredis toujours, jusqu'à ce qu'il apprenne qu'il est un monstre incompréhensible. I had stiled man a master-piece; and both appellations, however contradictory, are not without their reasons. Pascal considers man as a corrupted creature: I relatively to his beautiful structure, and the admirable combination of the powers of his soul and body; points of view extremely different. He who is any thing conversant with optics, knows that the same picture differently viewed represents a man or a landscape. A picture exhibits very different images, as it is near or far from the eye, according to the side in which it is viewed, and the strength or faintness of the light. Now this observation may lead us to form a truer judgment of the conduct and actions of men. All affairs have several sides: many are the duties to which man is bound towards God, himself, and his neighbour; and indeed he bears a relation to all creatures. What he does may in one respect be prudent, justifiable, and good; and in other respects de-

trimental and culpable. This will plainly appear in considering the nature of oaths, which may be sacred obligations, or detestable shackles.

SECTION IX.

Happiness
the scope
of all men.

WE shall now take a more interesting view of man, and consider him in his innate passion for happiness, and his consequent actions. Here with amazement we see him fluttering from object to object, from creature to creature, and toiling in an eager search after the real good, without finding it. Amidst the faint light of his understanding, which is farther obscured by many passions, he is continually grasping the shadow for the substance ; so that at length he must, to his confusion, acknowledge with Solomon, and he spoke from the best of experience, *that all is meer vanity of vanities*. The man of letters, after all his close study, and emaciating lucubrations, is convinced that his erudition is very imperfect, and a vexation of spirit. Another aims at making a figure in the state, and lording it over others, till experience brings him to a sense that he has all along been a slave to his ambition. With another riches are the darling object,

object; and, after the greatest success in his pursuit, he finds that no wealth will satisfy desire. Another is all for pleasure, which in a short time palls on his taste, and terminates in disgust. The Stoics imagined they had hit the mark in placing their happiness in apathy, not considering that this was reducing man to a lifeless clod. All equally aimed at happiness; and so far were they agreed, as this impulse ever was, and will be the predominant principle in man. Let us take a retrospect of the means used by the first sages of the world for compassing this universal end.

SECTION X.

ON the increase, and the consequential dispersion of mankind, they soon came to observe, that their well-being required they should live in societies, and unite their strength, that they might the better oppose wild beasts and wicked men. It was also obvious to them, that, by this union of strength, and mutual assistance, the necessaries and conveniencies of life might be more readily procured; more than if every individual shifted for himself. They also perceived, that this social life

The first
step to-
wards
happiness.

would enlarge the understanding, refine reason, amend the will, and, by means of wise laws, restrain the inordinacy of desires and passions. These benefits of the social life we ourselves daily experience. In order to a man's eating his necessary food with decency and safety, some thousands of hands, I say some thousands, must have been employed. This will soon be allowed, on considering through how many hands a spoon, a knife, and all the other utensils, with meat and drink, pass through before they are fit for use; likewise how many are employed in the materials and tools for building and furnishing a house; what instruction is also required before a monkey is formed into a rational man; for without such education, allowing man all that stock of innate ideas, about which so many abstruse reveries have been published, he would hardly have raised himself above that creature. I dare question, whether man, left alone to his natural genius, would equal a well-taught elephant: and this is a question countenanced by some human creatures of both sexes; no farther traces of reason appearing in them than what are common to the brute creation, the finding out the means of subsistence, and of propagation,

pagation : so necessary are mutual assistance and instruction.

SECTION XI.

THE self-denying Rousseau, whose noble mind has subdued the violence of passion, is of opinion, that we should do better without such assistance. Had it been possible, he was for bringing us to live on acorns, and dwell in caves, and herd with the beasts. He will find it a hard task to persuade that voluptuary Voltaire to any such thing, or to gain disciples in this part of the world, where every thing seems going to ruin by an excessive luxury, and famine prevails amidst exuberance and revelry. It is however certain, that, agreeably to his opinion, an extensive knowledge and acquaintance with things whet desire ; many occupations inflame avarice, and the social life gives rise to some violent passions, to which nature, contented with little, is a stranger ; and unquestionably, to moderate desire and cool passion, there could not be a better way than betaking ourselves to their primitive simplicity of living. This philosopher's good sense will not allow us to suppose that he lays down his opinion as a

Answer
to an ob-
jection.

rule strictly to be observed; else to what purpose has bountiful nature bestowed on us so many of its gifts within the bowels, and on the surface of the earth; gifts which we could not enjoy without manual assistance? How should we employ the powers of our soul and body, which require a continual action, as promotive of our welfare, and that of others? He certainly means no more, than to bring a tree that has taken a crooked turn into a straight and regular growth; I mean, he would correct the many abuses of social life, by laying before us a model of greater simplicity. Possibly the vices and violences among polite nations, and the plain innocent manner of living among the savages, may have led him to give his wit and eloquence full range, in exploding the one and recommending the other.

SECTION XII.

Second
step.

IT was likewise soon found, that laws were absolutely necessary for curbing the impetuosity of passions; since men, if left to their wills, would be no better than so many wild beasts to each other. A rule was therefore to be invented, by which every one should guide his public and private behaviour;

haviour; and this they soon found in their own natural condition, and in the relation which, as members of society, all bore to one, and one to all. This is, and can be nothing else than real *self-interest*. The only law of nature is to promote one's real welfare, and make one's self as happy as possible in soul and body, without doing any injury to our neighbour. This is the great and powerful motive of all our actions. This, in all times, from the beginning of the world, in all men, in all places, and in all designs, has been the principal object, and will ever continue such, whilst men are men. This is the longing of all rational creatures: this the hunger and thirst after happiness, even in those whom despair prompts to put an end to their existence, as thereby closing the scene of their sufferings. Whence does the weaker sex in India derive such daring courage, as to leap into the flaming pile, where the deceased husband is burning, but a desire of happiness? If the sovereign and magistrates carefully consult the welfare of the subject, and prosperity of the state; if the teacher discharges his office with due diligence; if the artificer distinguishes himself by skill and industry; if the peasant chearfully renews
his

his daily labour ; if the foldier undauntedly faces all the dangers of war ; the incitement in them all is self-interest : they all think that they are thus promoting their happiness, and shall obtain that supreme good after which they are continually breathing. This passionate desire after the true and only satisfying good seems a remainder of the fruition of some prior state of glory, since we are never at rest till we have again found the true good. The divine wisdom may imbitter our taste to all earthly blessings, or deny us a satisfying enjoyment of them, with this view, that we may seek and find it in that which is all-sufficient.

SECTION XIII.

Third
step.

BUT that the wisest laws may be an effectual rule, there must farther be something invested with such power and dignity as to enforce the observance of this rule. It was seen that the impetuosity of passions frustrated the laws of nature ; domestics and children often were refractory and disobedient to the father of the family, and the true self-interest degenerated into a pernicious and execrable selfishness, man making himself his chief object, without any regard
to

to the public welfare. He was for being assisted in all cases by others, without making any return, contrary to the rule of true self-interest, *the doing to others as we would be done by*. For the observance of this law, and to give it its proper weight, they found convenient or rather indispensibly necessary, to institute government, investing the sovereign with power to rectify self-interest from its degeneracy; to render it of public benefit; to cause young people to be educated in virtue and useful accomplishments; to improve their understanding; to make their passions submit to the laws; to exalt all their powers: thus every way promoting the public welfare. For the maintenance of such power and authority he was to use all effectual means, with necessary fines and penalties of all kinds, even death itself. Thus did a people transfer the wills of all to the will of the sovereign; but the sovereign has likewise submitted his will to that of the people, that no one may be bound implicitly to obey the will of another; but all, both sovereign and subject, be under the national will. You have nothing to say to me, nor I to you; I shall not assume a superiority over you, nor you over me; but the whole collective body of us may command every individual,

dual, and every individual is bound to support this command, and pay obedience to it. Accordingly government is to be revered and honoured as a divine institution, as maintaining that law of nature which is the basis of all temporal welfare : that no man shall obstruct or molest another in his honest endeavours after happiness ; and the people's consent to invest the sovereign with a power adequate to so good an end, is to be considered as an intimation of the divine will, ever wise and gracious. Had a people been so inconsiderate as to make a tender of an unlimited power to a ruler, no man in his right senses would have accepted of it, as to reign over fools and madmen is no great honour. The court sycophants, with Hobbes and Machiavel, who insinuate other maxims of government, are guilty of high treason against the sacred rights of mankind : they fatally deceive even princes themselves, and, at the same time, betray their ignorance of truths grounded in the very nature of man, and not to be eradicated by force or artifice. I am mightily pleased with the generous answer of an English gentleman to king James II. who was extolling an arbitrary government ; *I cannot believe, said he, that*
the

the Creator of all things made mankind with a saddle on their backs, and bridles in their mouths, and a dozen or two of fellows to ride them at their pleasure. In all free states it is a received maxim, that the sovereignty rests in the law, the majesty in the maintainer of the laws, and in the support and execution of them rests the safety of the whole state; and whilst this maxim is inviolably adhered to, every thing goes well.

SECTION XIV.

NOTHING is so proper, so wise, and beneficial, but when it comes into men's unlucky hands, it is soon, as it were, defiled and corrupted. One would have thought government a cure for all evils, without looking any farther, as certainly the most excellent and even a divine expedient for restraining the passions and violent impulses of nature within due limits; but the rulers to whom such authority had been committed soon came to abuse it: the guardian-angels, so beloved and honoured, were by an insatiable ambition turned into demons. To check this evil the oath was contrived, though the world had subsisted above two thousand years without any such thing: this tie was

to

Last step.
Oath among the
Greeks
and Romans.

to suppress all attempts to arbitrary power : accordingly rulers swore they would not make an ill use of their authority ; that they would maintain the people in their natural freedom, and govern according to law : possibly this may have given rise to the present custom of kings solemnly swearing at their coronation to observe the fundamental laws. In Greece the Archontes, the Thesmothetes, the very Areopagus itself, the supreme court of that country, swore to the like effect ; and at Athens, the youth, on attaining their twentieth year, were not allowed to be present at the assemblies of the people till they had taken the following oath : “ Never to shew any fear in time of
 “ action, nor shamefully run away to save
 “ their lives ; to shed the last drop of their
 “ blood for their country and its religion,
 “ and this either jointly with other citizens,
 “ or alone, when requisite ; not to hurt their
 “ country, but in all things to seek its prof-
 “ perity ; to be subject to the magistracy ;
 “ to discover and oppose singly, or jointly
 “ with others, all who shall invalidate, or
 “ endeavour to invalidate the laws, and
 “ constantly to adhere to the religion re-
 “ ceived from their fathers.” To all this Mars and Jupiter were solemnly invoked
 to

to be witnesses. This remarkable oath soon became a model to all republics. The Romans, so renowned for wisdom, likewise endeavoured, in imitation of the Greeks, to secure themselves by an oath; but both Greeks and Romans found that all such ligaments are much too weak to keep head and members together.

SECTION XV.

YET the Greeks, with all their richness of invention, acuteness of intellects, and skill in politics, did not think fit to strain an oath so far as we Christians have; and, this as it were, in contempt of Christ's command, Matth. v. for many oaths used in Christian states comprehend such a multitude of duties as can scarce be retained, much less punctually discharged. The subjects likewise of many oaths cannot, in their very nature, be rationally sworn to; not to mention, that inflicting a penalty on oaths tends to root out all sense of religion, it being certainly from religion alone that oaths should derive their whole sanction.

We call on God as a *witness*, God, to whom all hearts are open, and from whom the most secret thoughts are not hid; we invoke

Much more severe among Christians.

Nature of our swearing.

invoke God as an avenger, whose revenge is always righteous, and which none can escape: when we insult the Divine majesty by a false oath, we draw on ourselves his everlasting curse; we exclude ourselves from the salvation obtained for us by his redeeming Son; we poor reptiles formally, and before many witnesses, call down his vindictive justice; we totally renounce his mercy now and in the hour of death; we deprive ourselves of every good both in time and eternity; we render ourselves subject to his wrath, which is a consuming and unquenchable fire burning down to the lowest hell; for all this is included in these words, *so help me God*. Indeed where the design is really to bring truth to light, and to enforce the observance of our several duties, then, if any thing can remove distrust and procure a confidence in our declaration, it must be an oath.

S E C T I O N XVI.

LET us now inquire whether this method, which only reasons of state had invented and so rigidly enforced, be thus necessary and beneficial. We all acknowledge

ledge it to be something very terrible, to subject one's self to God's eternal vengeance as we do, not only in the affirmative oaths of innumerable kinds concerning past things, and which are well known to us, but much more in promissory oaths concerning uncertain future things; which, by reason of our natural levity, or the violence of our corruptions, it is next to impossible to observe. On this account it will be well worth while to consult history, whether these supposed stays of all governments are not something faulty. Approved historians, experience, against which nothing but downright insanity can hold out, reason, revelation, the scope of social life, will inform us how far an oath may be necessary, and how, though of Pagan origin, it gradually got footing, and came to be established among Christians.

S E C T I O N XVII.

I am fully persuaded, that many wise Remark.
and virtuous sovereigns do really account oaths to be of such great utility, that they cannot be too much multiplied; but how far such opinion is well grounded will be the business of this treatise to evince.

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I must

I must only previously observe, that, as I have shewn above Section VIII. all things have several sides, and no little sagacity is required to view a thing on all its sides. With regard to an oath a Christian is to be considered in several relations. Here all the divine perfections, all temporal and eternal welfare, are debased into a competition with contemptible shadows, the poor goods of this world, a flimsy honour, a little money or riches, which make themselves wings, a momentary glory, a nominal dignity, and for these am I to stake my soul. In aristocracies the end of an oath is to check the power of the great. If a glass be cracked, all the rinsing in the world will never make it whole. The very administration of an oath to a man in power proves its inutility; for if he is not to be come at by law, then is it manifest that he has abused his power, and violated the oath of government; and if his inferiors dare not call him to account for male-administration, how will they arraign him for perjury? Besides, do they not from a fear of man likewise perjure themselves? But suppose the oath answers its end, and men in authority respect it as an inviolable obligation. A solemn oath has a
great

great many sides ; and of its different relations more than enough has been said. For such an oath to be valid, it must be considered with regard to God, and the lawfulness of such swearing be demonstrated from revelation. Farther, it is well known many rash oaths had their rise from the hatred and rancour of petty rulers, glad to take advantage of their superiors when under any difficulties, especially in critical times. It is a general mistake in republics, that in the impetuosity of passion affairs are viewed only on one side, overlooking or forgetting all the other circumstances and considerations. Something of this has been slightly mentioned Section VIII. it is however a copious source of many errors, abuses, and absurdities ; but which, by prescription, are come to be articles of faith.

S E C T I O N XVIII.

PYTHAGORAS dignifies an oath with a divine origin. According to him God, on determining to bring forth the creation out of nothing, at the same time bound himself to preserve and govern it according to the rules of his wisdom. This pro-

Origin of
oaths.

found idea he perhaps picked up out of the writings of Moses, which were not unknown to him; and from this eternal oath of God he supposes are derived the numberless oaths, which afterwards came to be introduced among men. The former was the security or pledge of the divine eternal will, and the latter are the securities or pledges of man's truth and fidelity; or so many copies of the first primordial oath.

SECTION XIX.

CIVIL history informs us of a later origin. In the infancy of the world, which the poets have stiled the golden age, property was not so precisely marked out; nor had ambition struck its roots so deep and wide as to choak all truth and probity. Nature was still satisfied with little. In those innocent times, as Juvenal says, the Greeks themselves would not swear to any thing:

Le Normand même ignoroit alors le perjure. Boil.

Yea was yea, and no no, without any thing of an oath or farther affirmation. But guilt and violence taking place in the world, and all shame and probity being superseded by

by fraud and artifice, no better method, for putting a stop to such evils and securing the public welfare occurred, than to impose an oath as an inviolable seal of truth and fidelity ; especially, experience having manifested, that the consideration of one's own welfare, of real self-interest, and happiness, was not a sufficient barrier against the violence of passions. Concerning this Thomafius says, Jurispr. Div. lib. 2. c. 9. " An oath was introduced as a corrective to depraved nature, no other method remaining, not only effectually to suppress all artifices and deceit, by which others might circumvent us with fair speeches and promises, but likewise to remove all doubts and mistrusts which they might entertain of our words." Thus, where probity, truth, and confidence ended, judicial swearing began. This historical truth Hesiod thus sets forth in his poetical manner, " Discord a daughter of Night, first brought forth Toil, Strife, Lying, Equivocation, and Deceit, and the issue of these was Swearing." These are the sources from whence is derived swearing ; and farther, the eternal truth declares that any thing above yea and nay is evil.

SECTION XX.

Why so
highly va-
lued.

IT was accounted a proper method for putting a stop to all perfidy and falshood ; for it seemed quite inconceivable that any one should ever be so abandoned and rash, as solemnly to call for the vengeance of the Almighty on a known falsity. From this supposition an oath was considered as the strongest tie of human society, the sacred pledge of truth and fidelity, the very basis of all government, the surest means for keeping men to their duty ; and it was cried up as the *ultima fides omnium gentium* : it was a panacea deserving the highest commendations, and to be an universal custom. Experience, however, has shewn, that as medicines, by being too frequently used not only lose their virtues, but frequently degenerate into poisons, so has the multiplicity of oaths been productive of perjury, and thus so sacred a tie has proved a fatal snare.

SECTION XXI.

Yet re-
jected by
some na-
tions.

OF this not a few nations had a proper sense, and therefore did not admit of oaths.

The

The antient Phrygians, and others, even in our days, thought that to make the gods a party in every worldly transaction, was contrary to the reverence due to them; and that it was the highest presumption in mortals to invoke the deities to be the instruments of man's revenge. Even among the Romans to require an oath from any creditable man, much more a person of distinction, was looked on as a high affront; and the antient French kings never took an oath. And to this day some remains of this are seen in a privilege of the nobility in Bohemia, Bavaria, and Austria, their hand and seal being, in certain cases, equal to an oath, as a sufficient assurance of the truth which they affirm, and of their punctual performance of what they promise. *Mulzin represent. et. p. 2. 1.*
31.

S E C T I O N XXII.

BUT as truth and confidence were obliged to call in the assistance of an oath, <sup>Corrobo-
ration of
it.</sup> so in order to make it the more obligatory, it was found necessary to accompany it with much state and ceremony; men being naturally more affected by outward imagery

than by bare reason and propriety. The lively representations of fancy are known strangely to agitate the soul, and set all its powers in a ferment. On this principle many awful ceremonies were added to the taking of an oath, as of itself too weak for the end proposed.

S E C T I O N XXIII.

Instance
among the
Greeks.

AMONG the Greeks, oaths were administered only in the temples, and accompanied with a sacrifice, the party likewise laying his hand upon the altar. Homer has left us a beautiful description of this solemnity : Menalaus and Paris, as the causes of the war, were to put an end to it by a single combat :

On either side a sacred herald stands,
The wind they fix, and on each monarch's hands
Pour the full urn ; then draws the Grecian lord
His cutlass sheath'd beside his pond'rous sword :
From the sign'd victims crops the curling hair,
The heralds part it, and the princes share ;
Then loudly there before th' attentive bands
He calls the gods, and spreads his lifted hands :
O first and greatest power whom all obey,
Who high on Ida's holy mountain sway,
Eternal Jove, and you bright orb that roll
From East to West, and view from pole to pole !
Thou mother earth ! and all ye living floods !
Infernal furies and Tartarean gods !

Wh

Who rule the dead, and horrid woes prepare
For perjur'd kings, and all who falsely swear !
Hear and be witness !

With that the chief the tender victims flew,
And in the dust their bleeding bodies threw ;
From the same urn they drink the mingled wine,
And add libations to the powers divine ;
While thus their prayers united mount the sky,
Hear mighty Jove ! and hear ye gods on high !
And may their blood who first the league confound,
Shed like this wine, distain the thirsty ground ;
May all their consorts serve promiscuous lust,
And all their race be scatter'd as the dust !
Thus either host their imprecations join.

Farther, they who swore sometimes
plunged their right hand in the victim's
blood ; which is thus described in one of
Eschilus's tragedies : “ Seven ruthless
“ chiefs over a black buckler, and their
“ hand plunged in the blood of a slaughter-
“ ed bull, with horrid imprecations swear
“ revenge ; and to their dire purposes attest
“ sanguinary Bellona, Mars, and Terror.”

S E C T I O N XXIV.

THE Romans, in the republican times, Among
the Ro-
mans.
used to swear at the altar of the goddess
Fides, the oath, as they imagined, of Ju-
piter himself. O Fides *alma ! Apta Pinis*

et jus jurandum Jovis, a verse of Ennius, which Cicero cannot enough admire. Jupiter lapis was also called on as a witness and avenger in these words: *May he cast me out of Rome as I cast away this stone.* Afterwards a victim was added to the ceremony, with this form of the oath: *If I swear falsely, may Jupiter strike me as I strike this victim; may he strike me with as much greater force as his power is above all the power of man.* The party swearing then threw a stone with all his force against the head of the victim. The Greeks, being of a more luxuriant fancy than the Romans, invoked the gods, that their perjury might be attoned by nothing less than by the blood of their whole kindred; and, as if no expressions could be found of sufficient energy, they came to swear by the bones of their ancestors, by the king's head, by their country, and many more such absurd imprecations; meaning that the Gods would punish their perjury on whatever was most dear to them: they however went no farther, not a word, concerning the punishments of a future state, which yet they firmly believed, and had very tremendous ideas of.

SECTION XXV.

THE duties to be sworn to were hitherto but few : for according to Dion. Halic. l. 6. the heads of the Roman state had only one oath tendered to them, which was to maintain the *sacrata lex* ; and when Augustus had seized on the sovereignty, he would not hear of any oath of obedience to him, though many of his flatterers advised him to it, as a masterpiece of policy for securing himself on the throne ; but he silenced them with this excellent reply : “ If my ordinances
 “ are good, they will be readily complied
 “ with ; if not, all the oaths you can invent
 “ will not bring the people to submit
 “ to them.” That wise prince well knew that laws were made for man’s sake, and not man for laws ; and likewise that the observance of many was often of no manner of concern to the state, and that where beneficial and necessary, he was able to keep the people to their duty. He knew that the best means to secure obedience are punishments and rewards. His crafty successor Tiberius was in the same way of thinking ; and it was not till Nero and the like

Subject
of their
oaths.

like pests of mankind that those impious oaths, drawn up in *imperatorum nomen verba et acta* were known. From such sources did the invention of oaths break forth like a torrent pervading all nations, and big with innumerable evils.

SECTION XXVI.

Abuse of
them.

BUT the more wise among the Pagans, even in those times, observed that the more oaths were multiplied, and the greater solemnity they were invested with, the less was the end of them answered.

Laberius calls the *clearing oath* an excellent cooling plaister for allaying any blisters raised by burthenfome debts; the shortest way of winding up one's bottoms with creditors. It was only taking this imprecatory oath, and a debtor was his own man again. What a jest was made of this sacred obligation? Plautus tells us, *jus jurandum rei servandæ non perdendæ conditum est*. When oaths concerning the performance of duties grew to be dangerous, intricate, insidious, if not impracticable, and yet unavoidable, recourse was had to such explications as this: the first law of nature is to preserve and not ruin one's self;

self; and if this could not be compassed but by swearing, they made no difficulty of swearing. Thus from a rash deliberate self-deceit, swearing and perjury were no more than self-defence. Are matters on a better footing among christians?

S E C T I O N XXVII.

We are not however to imagine that ^{What the} their moralists did not, and very earnestly, ^{antients} teach the sacredness of an oath. Pytha- ^{thought of} goras in his Golden Verses, which we more justly attribute to his disciple Lysis, recommends the highest reverence for an oath; and from this doctrine Hierocles makes the following deductions:

1. That oaths be seldom used; as otherwise they would be lightly thought of, and a wide door opened to perjury.

2. That they be not used in small matters, this being a profanation of them, and of the same bad consequences as frequency.

3. Not to swear to an uncertainty or impossibility; such an oath no menace, no torture, not Phalaris's bull should extort from us.

4. Not

4. Not to swear to any thing unjust, as, in Cicero's opinion, Agamemnon was guilty of two sins, first in swearing to sacrifice his daughter, and in fulfilling an oath so unjust and cruel.

5. To swear with an honest open heart : indeed all fraud, equivocation, and wresting of words, are abhorred as subterfuges of perjury, and accounted more scandalous than downright perjury itself. *Totius enim injustitiæ nulla capitalior quam eorum, qui cum maxime fallunt, id agunt ut viri boni esse videantur.*

6. Not to have recourse to an oath when other means will answer our end.

S E C T I O N XXVIII.

THEY further taught that all promises upon oath were, without any exception, to be made good ; and that no plea to invalidate them be admitted.

Its force
even when
taken un-
advisedly

If a person had been too precipitate in swearing, it was accounted but a just punishment of his forwardness that he should punctually fulfil his oath. Of this we have an instance in Alexander the Great, when in full march to destroy the city of Lampfacus, which had grossly affronted

fronted him. In this exigency, the townsmen applied to Anaximenes, their fellow citizen, and formerly preceptor to the enraged monarch, that he would go and meet him, and deliver him a petition. Alexander, at sight of the messenger, readily conceiving the end of his coming, called out to him ; “ Master, I solemnly swear, “ that I will not do any thing of what thou “ shalt request of me.” At which Anaximenes immediately made answer : “ O “ king, I require that thou wilt punish “ Lampfacus for its insolence, and make it “ a heap of ruins.” This ready turn saved the town from total destruction ; for Alexander in regard to his oath, though uttered extempore, and on supposition of a quite different request, dropped all thoughts of hostilities.

Even when an oath was extorted by violence, this did not annul its obligation : they said a brave man is not to be compelled by any force ; and if this be his case, it by no means warrants his breaking an oath. M. Pomponius, as censor, brought a charge against Titus Manlius for holding the dictatorship beyond the time limited by law ; Manlius the son, afterwards so famous under the surname of Torquatus

Likewise
when ex-
torted.

Torquatus, apprehending the bad consequences of such a prosecution to his father, conveyed himself secretly into the censor's house, and, with a dagger at his throat, compelled him to swear, that he would drop all farther prosecution. Pomponius hereupon made a formal declaration, that by reason of his oath, though extorted, he could not carry on the indictment; and this declaration was approved of by the people.

SECTION XXIX.

Was to be
observed
towards
the per-
jured.

IT was their opinion that what had been sworn to, was to be observed even towards the perjured. The *lex talionis* could not take place here, nor did perjury excuse another; it was accounted much more noble to keep one's word even to those who made no conscience of breaking theirs. Accordingly Silius Italicus has immortalized Regulus, for the religious observance of his promise to the faithless Carthaginians:

*Tu longum semper fama gliscente per ævum
Infidis servasse fidem memorabere.*

SECT.

SECTION XXX.

THEY held that no danger, no torture, Even when the greatest tortures were expected, dissolved the obligation of an oath. Regulus well knew what he had to expect from the inhuman Carthaginians; and his relations, his friends, the senate, and the people, pressing him to remain at Rome: but he went away as if composedly going to his villa; and chose to stand the worst of treatments rather than break his oath. But concerning this, Cicero observes that such heroism was not greatly admired at that time, being nothing extraordinary among the Romans of those virtuous days; and that it was not till afterwards, when truth and probity were sunk to a very low ebb, that this action came to be so highly extolled. *Nobis nunc mirabile videtur; illis quidem temporibus aliter facere non potuit; itaque ista laus non est hominis, sed temporum.*

Thus, among the antient Romans, an oath, till it became relaxed by too great frequency, was of such strict obligation, that no distress, no suffering, no torture, no advantage, excused the breach of it.

SECTION XXXI.

THAT the Romans, by mere light of reason, had true ideas of the nature of an oath, all our moralists and civilians must unquestionably allow: and even our divines, if they will explain our Saviour's prohibition against swearing, consistently with their own sentiments, or indeed with the propriety of things, must approve of those rules: but if the Romans were so judicious with regard to the properties of an oath, they extremely overshoot the mark of its obligation. Herein their doctrines seemed to be modelled from stoicism, rather than from the nature of an oath and of right. This excess may have partly arisen from a false prejudice first adopted from the Greeks, and then strengthened by form and solemnity, as if an oath was a promise to the divinity, and thus made the most sacred part of religion. Overshooting the mark is, however, better than shooting short of it, that the necessary reverence due to an oath may be maintained. Cicero, in my opinion, is a better director of conscience than many Christian casuists, who, by their sophistical subtilty, have spun the obligatory

obligatory force of an oath into so fine a thread as to make it like a spider's web, in which only weak flies can be held. Such a multiplicity of oaths must necessarily produce many corrupt evasions; and as every one is for creeping out where he can find a hole, the consequence is that the obligation of an oath will be made weaker and weaker, by all kinds of illusory sophisms: dreadful consideration!

S E C T I O N XXXII.

LET us now come to ourselves, and see how oaths have broke in like a torrent, and overflowed all Christendom. For brevity sake, we shall take notice only of the most remarkable, and such as are transmitted to us by writers of undoubted credit. It is not easy to determine whether the temporal or spiritual arm have been more severe in the imposition of oaths.

Increase
of oaths
among
Christians.

Huneric king of the Vandals, and Sisenand king of the Goths, Justinian the Grecian emperor, and among the popes, Alexander III. Boniface VII. Gregory IX. have as it were striven who should most multiply oaths. And all these were men, whose names are not to be found in the ca-

talogue of saints. Thus the civil and ecclesiastical arm so vigorously seconded each other, that to this very day all states and communities groan under the load of oaths and perjuries. May not this be the great roll of curses mentioned by Zachariah as flying over the nations, and according to which every one who had perjured himself was acquitted?

S E C T I O N XXXIII.

Oaths at
first op-
posed.

Swearing however did not make its way very easily; for the primitive martyrs and fathers of the church held the doctrine of Christ in its literal sense. That Maced. Tribunus, who, in the fifth century, assisted at the council of Chalcedon, as representative of the emperor Marcian, requiring the fathers to declare upon oath, whether the proceedings in the affair of Eutyches were truly registered, received this answer: *Whether an oath has ever been required of bishops we know not; but this we know, that Christ has enjoined us not to swear at all: yet the matter was of importance, and well known to the fathers.* However, such as this answer was, Tribunus acquiesced in it. *Baron. Annal. ad Annum 449.*

Huneric, king of the Vandals, would not be put off so slightly; for having signified to the fathers at Carthage, that they should take an oath to secure the succession in the kingdom, in favour of his son Hilderich, and they returning for answer, that *they were Christians, and not brute beasts*; the king, so far from desisting, gave them to understand, that till they did swear, they should never see their homes. At this, several pious fathers, through a well meaning simplicity, thought fit to dispense with the divine command, and take the oath, that the people of God might not charge them with obstinacy in preferring their private opinions to the welfare of the church: on the other hand, some could not be brought to swear, alledging that the Lord himself had said, *Swear not at all.*

The opposition suppressed.

S E C T I O N XXXIV.

Huneric, thus extorting an oath from the fathers at Carthage, does very little honour to swearing, or to himself. Mariana, a Spanish historian, says of him, that on a mere suspicion he cut off his wife's nose, and sent her back thus mutilated to her father. Thus by the tyranny of a barbarous

Observation.

Vandal, and the pusillanimity of a few prelates, and this not till near the close of the fifth century, was the first oath established; but a fatal precedent has it proved to succeeding ages; for about a hundred years afterwards a bishop of Bourdeaux, being suspected of adultery with Fredegunda, wife to king Chilperic, a council was convened at Brenac, which resolved that the accused bishop should swear to his innocence, though this was directly contrary to the canons of the church; *Licet canonibus essent contraria, pro causa tamen regis impleta sunt.* Greg. Turon. ad A. 583.

These oaths were likewise in some measure extorted, partly by force, partly by the king's authority, as saving his honour; and not without many sinister practices.

SECTION XXXV.

Fully established in the seventh century.

BUT it was the seventh century before we have any instance of an oath drawn up by the fathers themselves, confirmed by their authority, and by them recommended to be taken by the people. The occasion of it was this: Sisenand, the second Gothic king, who possessed all Spain, had under colour of religion, as the best mask for in-

injustice, called a council at Toledo, which was the fourth held in that city. This celebrated assembly consisted of sixty-four bishops, French and Spanish. The end of its convention was not any amendment of the church ; but to insure the throne to Sisenand. This rebel had dispossessed Swintilla, who, besides being his lawful sovereign, was a very worthy prince, and still had a great party in the kingdom.

Sisenand having got the crown by rebellion, and the assistance of Dagobert I. king of France, had consequently little to expect from any attachment of his subjects ; an expedient was therefore to be found out for securing the people's allegiance, and this was an oath, though a thing very extraordinary in those times. But that this refractory people might suffer themselves to be thus saddled, the holy fathers were to be the grooms. Dagobert, who had received from Sisenand a large sum of money for building a convent, gave the bishops, who were sent to the council, their lesson fully, that whatever the Gothic king should propose or require, they were readily and vigorously to promote. The substance of the oath was this, to be true to the king and country ; to contrive no plots and treasons ; to undertake

nothing against the king's welfare: and these duties were enforced by a treble repetition of a most dreadful imprecation. It is indeed so remarkable, that we shall make no difficulty of inserting as it stands in *Concil. ex Collect. Labbei Edit. Reg.*

Quicumque igitur a nobis vel totius Hispaniæ populis qualibet inspiratione vel studio sacramentum fidei suæ, pro patriæ gentisque suæ Gothorum statu, vel conservatione regiæ salutis pollicitus est, temeraverit, aut regem nece attrectaverit, aut potestate regni exuerit, aut presumptione tyrannica regni fastigium usurpaverit, Anathema sit, in conspectu Dei patris et angelorum, atque ab ecclesia Catholica, quam prophanaverit perjurio, efficiatur extraneus, et ab omni Christianorum cætu alienus, cum omnibus impietatis suæ sociis. Quia oportet ut una pœna teneat obnoxios, quos similis error invenerit, quod iterum secundo replicamus, dicentes. Quicumque ex nobis—usurpaverit—ut supra. Anathema sit in conspectu Christi et apostolorum ejus—et damnatus in futuro Dei judicio habeatur cum comparticibus suis, quia dignum est, ut qui talibus sociantur, ipsi etiam damnationi eorum participatione obnoxii teneantur. Hoc etiam tertio acclamamus: quicumque ex nobis—Anathema sit in conspectu spiritus sancti
et

et martyrum Christi — Neque partem justorum habeat, sed cum diabolis et angelis ejus æternis suppliciis condemnetur, una cum eis qui eadem conspiratione nituntur, ut pœna perditionis constringat quos in perditionem prava societas copulat ; et ideo si placet omnibus, qui adestis, hæc tertio iterata sententia vestra, vocis eam consensu firmate. Ab universo clero et populo dictum est : Qui contra hanc vestram definitionem præsumserit ; Anathema maranatha, hoc est in adventu domini perditio sit, et cum Juda Iscariote partem habeat, et ipsi et socii eorum, Amen ! Quapropter ipsi nos sacerdotes omnem ecclesiam Christi ac populum admonemus, ut tremenda hæc ac toties iterata sententia nullum ex nobis prasenti et æterno condemnet judicio, sed fidem promissam erga gloriosum dominum nostrum Sifierandum custodientes, ac sincera illi devotione famulantes, non solum divinæ pietatis clementiam in nobis provocemus, sed etiam gratiam antefacti principis mereamur percipere, Amen !

Is it possible to read this without detestation, and even without shuddering ? From this imprecatory monster of Gothic invention are we to compute the epocha when wretched Christians were oppressed with those horrid oaths, the curses of which
extend

extend throughout eternity. This oath was admired as a master-piece of political skill and precision ; so that it became a pattern. Not long after, in honour of this detestable oath, a particular canon was made in the fifth council of Toledo, that it should be audibly read in all future councils.

SECTION XXXVI.

Observa-
tion con-
cerning it.

SOME alleviation of this oath is that the duties in it are well grounded, plain, practicable, and not very numerous. They amount to no more than what subjects in all governments owe to their sovereign, and what the welfare of every country indispenfibly requires. Here is no mention of obedience to all just and reasonable commands, this having been a product of later times ; Sifenand, like Augustus, knew that whilst he wielded the sword and fceptre, he could enforce a proper obedience.

It is remarkable that at first the consent of the people to this oath was to be obtained ; whereas on the growth of superstition, afterwards, this consent was no longer required : unquestionably, left by some declared opposition it might be brought

brought into danger. It is strange, or rather horrid, that these prelates should be more careful of the temporal welfare of the king, than of the eternal welfare of the whole people; enforcing the oath with such dreadful imprecations, and condemning any, who, from a motive of conscience, should attempt the least thing in favour of their first lawful sovereign, to have their portion with Judas Iscariot, the devil and his angels. All the curses of Moses, against the transgressors of the fundamental laws of Israel are slight, in comparison of these imprecations. Where then did these holy fathers learn such language? I am sure not at the feet of Christ. Matt. v.

From whence do they derive this power? Cause and end of it.
 In their commission as promulgated by the Holy Ghost, they are only stiled ministers of the church and the gospel, without any lordly power or prerogative; and every Christian is thereby authorized to examine their behaviour in that quality, and likewise to bring their words to the test. But the presumption of the holy fathers, in arming oaths with terrible imprecations, arose from people's being gradually become so accustomed to anathemas, that no canon in the fifth century was with-

without such a denunciation, though utterly unknown in the first councils where the Holy Ghost presided. In the *Constitutions* attributed to the apostles, we meet with the following conclusion: "Hear O ye bishops! "What has been enacted by us you are to conform to, so shall you be saved; otherwise you will be punished, and have many troubles and dissensions." But the ambitious clergy, though they had exceeded the apostolical meaning, were for having their canons bear the force of laws; and as this could not be compassed without the countenances of princes, they made it their business to exalt the royal prerogative by such horrid forms of oaths. In return to which complaisance, the princes promoted their ambitious designs, which gave occasion to Thomasius to say, that all oaths were wholly in favour of the clergy, *juramenta fulcra potius sacerdotii quam imperii*; and a masterly address did they always shew in turning them to the greatest advantage. Of this the same fathers gave a signal instance inserted in the canons: that the election and nomination of a king should be in the fathers and heads of the people; and on the decease of king Hinsicheid, they placed on the throne one Chintilla, and
not

and not the son of that prince. *Hist. generale du Languedoc, par les peres de la Congreg. de St. Maur.*

S E C T I O N XXXVII.

THEY were not long in finding means ^{The clergy discharged from it.} to withdraw themselves from under these curses, and lay them on the laity. According to Hincmar, so early as the ninth century, the clergy no longer took the oath of fealty; and, though as vassals they were subject to it, very seldom could they be brought to such submission. This dispensation the clergy owed to Pope Honorius II. who forbade the administration of an oath to an ecclesiastic. The emperor Justinian says,
 “Whereas I have acknowledged and adjudged that canons should have the force of laws, and it being found in some, that the clergy were not to swear in any case; it is meet and right, that the whole body of the clergy should be excused and freed from swearing: therefore we, in compliance with divine and human laws, do by our sovereign prerogative, *imperatoria auctoritate*, ordain and command, that no oath shall, on any account, be taken by an ecclesiastic.” *Baron Annal.*

Annal. Ad. sec. XII. No sovereign can any longer require an oath from an ecclesiastic if not his vassal. *Can. 42. Conc. Lateran. 1213.*

SECTION XXXVIII.

Oath of
fealty.

THE above mentioned oath, taken at doing homage for a fief, went no farther, even in the ninth century, than to acknowledge one's lord, and be true to him. The form of the oath in *Cod. MS. Collegii Claromontani Paris. Soc. Jesu*, runs thus: *Sacramentale qualiter promitto ego, quod ab isto die in antea fidelis sum domino Karolo piissimo imperatori filio Pipini regis et Berthance reginæ, pura mente absque fraude et malo ingenio de mea parte ad suam partem et ad honorem regni sui, sicut per Driētum (par droit) debet esse homo Domino suo. Sic me adjuvet Deus et ista sanctorum patrocinia, quæ in hoc loco sunt. Qui a diebus vitæ meæ per meam voluntatem, in quantum mihi Deus intellectum dederit, sic attendam et consentiam.*

Thus nothing farther was sworn to Charles the Great, in the year 802, than fealty, not obedience to all his commands and prohibitions.

This fealty, to which the vassals bound themselves by oath, consisted of two articles.

1. To engage that the lord should neither be hurt nor injured, in his life, limbs, honour, nor possessions; likewise not to discover his secrets. In what a vassal's fealty consisted.

2. To perform to his lord every due service, that is, to go to meet his lord, to hold his stirrup, to stand uncovered in his presence, and to attend him to court, and to the army, and serve him against all his enemies, and to stand by his lord with heart and hand, and all other services which a man owes to his lord. In the military service was particularly included an obligation to attend his lord in all his expeditions.

This oath several of the Italic states took to the emperor Frederic I. Afterwards several petty princes required the like oath from their courtiers and vassals; and these again from their dependents, with this addition, that the duties, at first, due only to the lord, were now extended, and under the penalty of forfeiting the fief, to their wives and children, especially the daughters. The oath of fealty enlarged.

SECT.

SECTION XXXIX.

Not ac-
counted
sufficient.

YET even this oath did not give satisfaction; nothing under an unreserved obedience to all commands would do; and the first form of such a tyrannical oath that I know of, was drawn up by Gregory VII. to be taken by the king of the Romans. It is so very remarkable, that I cannot forbear copying the original as it stands in his letters:

Ab hac hora et deinceps fidelis ero beato Petro apostolo, ejusque vicario beato Gregorio, qui nunc in carne vivit, et quodcunque mihi præceperit sub his videlicet verbis per veram obedientiam fideliter sicut oportet Christianum observabo. De ordinatione vero ecclesiarum, et de terris vel censu quæ Constantinus imperator et Carolus sancto Petro dederunt, et de omnibus ecclesiis vel prædiis, quæ apostolicæ sedi ab aliquis viris vel mulieribus aliquo tempore sunt oblata vel concessa et in mea sunt vel fuerint potestate, ita conveniam cum Papa, ut periculum sacrilegii et perditionem animæ meæ non incurram, et Deo sanctoque Petro adjuvante Christo dignum honorem, et utilitatem impendam, et eo die quando illum primitus videro per manus meas miles

miles sancti Petri et illius efficiar. Lit.
Greg. VII. Coepiscopo. Pataviensi.

Thus the king of the Romans swore that he would be faithful and obedient to saint Peter and his vicegerent in all his commands ; and likewise so to agree with the pope concerning the election of bishops, donations, and prerogatives granted him by Constantine, Charles, and others ; and which he still possessed or had possessed, as not to incur the guilt of sacrilege, or the loss of his soul : farther, he was in all things to promote saint Peter's honour and advantage ; and, lastly, so soon as he should see the pope, he would, the very same day, dub himself saint Peter's knight, in token of his taking the see of Rome under his protection. He says, *per manus meas*, as it was beneath a person of so exalted a rank to receive the sword from another. Accordingly he himself took the sword from the altar, and girded it to his side.

The Italian historians make mention of an oath still more remarkable, said to have been taken by the syndic of Ferrara to one of the house of Este, to obey all his commands, whether just or unjust. However shocking this may appear, the above *quodcunque* is almost tantamount to it, consider-

Unreserved
ed obedi-
ence.

ing that for regents to enjoin any thing of a very heinous nature, is by no means a common case ; and in doubtful matters, some will say, little does it become the subject to inquire about right or wrong ; he should therefore make it an article of his creed : *quod princeps omnia possit justa vel injusta pro arbitrio suæ voluntatis*, and pre-suppose that whatever he orders must be proper, right, and good.

SECTION XL.

Swearing
strengthened,

by many
prestiges
and false
miracles.

THE import of an oath was now at its height ; and to give it the greater impression, and make it the more effectual in binding the people to what they had sworn, many corroborative appendages were added to it. The people were made to believe that it was the most sacred part of religion, nothing less than a sacrament : this odious charm had been gilded with *so help me God* ; to which was now added, *and his saints*. Sacred places were chosen for taking an oath, as temples, altars, and tombs of eminent saints ; the party swearing likewise laid his hand on relicks celebrated for miracles and extraordinary virtues. The
tomb

tomb of St. Salvius was particularly famous for miraculous punishments of perjury. In the time of Charles the Great, one who was taking an oath at that tomb is said to have burst asunder, and blood issued out of his eyes, nostrils, mouth, and ears; thus was he the first vampyr we read of. That God, at the prayer of deceased saints, punishes the perjured by sudden miracles, was not only a vulgar error; but the clergy themselves strongly believed, or feigned to believe it. The fathers at the council of Melun declared perjury to be of such a horrid nature, that though by the relicks of the holy martyrs dangerous sicknesses had been cured, and demoniacs relieved; yet to the perjured they were of no effect, God in his righteous judgment giving them over to be tormented by devils. *Hard. Concil. tom. iv. p. 1489.*

In this superstition king Robert imagined, he had found out an elusion to preserve his subjects, from the dreadful evils with which perjury, on touching relicks, was punished. He caused to be made a very sumptuous christal shrine, richly garnished with gold; but no relicks put in it. The nobility of his kingdom, who knew nothing of this contrivance, used to swear on

Silly artifice.

this shrine, whilst one less costly with a grype's egg in it served for the commonalty. The intention in both was, that the perjured might not be struck dead by a sudden judgment. Not to mention other tremendous appendages, as flambeaus, sculls, swords, crucifixes, lifting up of hands, opening the doors and windows, and whatever a superstitious imagination could suggest. *Elgaldus apud du Chesne, tom. iv. p. 66.*

SECTION XLI.

And by
compur-
gatores.

ALL these accumulations of terrors not proving sufficient to stem the prevalence of perjury, it was farther enjoined, that a suspected person taking an oath to clear himself, should procure two or more persons of credit, who, at the same time with himself, were to touch the altar, or the sacred shrine with relicks in it; and the party himself laying his hands over all the others, swore to his innocence in these words, *so help me God, and these relicks which ye touch with your hands.* These *compurgatores* the Salic, Bavarian, English, and Germanic laws stile *consacramentales*. And by an ordinance of Innocent III. they were to swear “ they “ believe the defendant to be innocent, “ and

“ and to have sworn nothing but the
 “ truth.” This indiscreet oath obtained
 not only in the most rude ages, but
 was used also in the sixteenth century,
 having crept in even among the princes of
 the empire ; and is still in practice, though
 with this limitation, that the judge may
 chuse whether he will admit it. In such
 justifications, if he consents, the compur-
 gatores swear, *that the party taking the oath*
has sworn the truth. R. Imp. 1512.

This the ancients called *Manu jurare* Increase
of their
number.
 from the party's laying one hand on
 the shrine or relicks. *Tertia manu* is when
 two others swore along with the party ;
 but to a bishop charged with heresy, twelve
compurgatores were required. Theganus
 informs us, that pope Pascal took an oath
 before the ambassadors of Lewis the Pious,
 thirty-four bishops, and five other eccle-
 siastics joining with him ; and thus was
 acquitted of a charge of murder brought
 against him by the people of Rome. Ac-
 cording to Gregory of Tours, the bishop
 of Ely swore *centesima manu*, that he was
 neither directly nor indirectly concerned
 in arresting the archbishop of York. In
 after times there are not wanting instances
 of three hundred *compurgatores*.

SECTION XLII.

Purgatio
vulgaris.

AS by so much swearing the miraculous virtue of the sacred bones could not but evaporate, another manner of clearing one's self by oath came into vogue. This was the *purgatio vulgaris*, by which the suspected person was to prove his innocence by a single combat, and various *ordeals* by fire and water. But before he entered on these proofs, he was to go through many strange ceremonies ; and these mixed with attestations, imprecations, and even profanations of the most sacred parts of religion, too many and too shocking to be specified here. If an accused person held a red hot iron in his hand, or his arm in boiling water, without any hurt ; or overcame his adversary in combat, though juggle and artifice had helped him through those trials ; or if he had sworn falsely at a martyr's tomb, yet was he declared innocent, as having been acquitted by God's righteous judgment. This is the *Gades-urdel*, concerning which it is ordered in *Capitul. c. 20. anno 809.* that all do, without any doubt, hold it to be the real judgment of God,

The

The false notion, as if God would make known the truth, and deliver innocence by such extraordinary ways, gave rise to these absurd trials. Besides, in many cases, the requisite number of *compurgatores* was not easily to be procured. Basnage says in his Church History, *God was believed in these trials* to exercise a judgment like that which he will exercise at the last day, rendering to every one according to his works.

SECTION XLIII.

ALL this, however, did not fully answer the end ; the case proved the same with the Christians as with the Romans ; the more oaths the more perjury. In order to check this evil, recourse was had to more awful solemnities, with this good view indeed of admonishing and deterring the party swearing from the horrid guilt of perjury. Among these additional forms were the *avisationes* ; but these were not frequently used to persons of character ; and in Germany to this very day the *avisationes* are dispensed with on a request in this form : “ The judge will
 “ be pleased to omit reading the admoni-

More awful ceremonies.

Avisationes.

"tion about swearing. Thank God, I am
 "no stranger to the awful nature of an
 "oath; and will of myself take care not
 "to wrong my conscience." But if the
 admonition be read, or the judge or priest
 deliver it by word of mouth, this is called
 to swear as one is taught. That the *avi-*
sationes may make the deeper impresson,
 in some places candles are lighted, a cruci-
 fix and scull brought forth, the table is
 covered with black cloth, and on it a
 naked sword, and an iron gauntlet. Ac-
 cording to *Volkman*, p. 1. c. 79. the
 swearer is by the candles put in mind, that
 Christ is the light of the world and of life;
 and that the light of his grace will be eter-
 nally withdrawn from the perjured. The
 crucifix signified all the dolorous circum-
 stances of Christ's passion, the fruits of
 which he absolutely renounces, and draws
 on himself eternal damnation with the
 robber crucified on Christ's left hand.
 The scull, as the emblem of mortality, is
 to give him warning that he must soon,
 and sooner than he thinks, quit all that he
 has in view of getting by his swearing.
 The iron gauntlet and sword indicate that
 the civil power will protect him in his ad-
 herence to truth; but, otherwise, will se-
 verely

verely punish him, as not bearing the sword in vain ; nay, that if he swears falsely, God shall make ready his sword against him. In other places, the party swearing lays his hand on a book of the gospels, thereby signifying, that as he swears truly or falsely he hopes to be partaker of all God's promises, or, on the contrary, expects all manner of curses, and his name never to be written in the book of life. The other hand he holds up, with three fingers erect, and two closed. This was introduced by the emperor Charles V. and accompanied with this odd interpretation ; the thumb denotes God the Father ; the index finger, God the son ; the middle finger, God the Holy Ghost ; the ring-finger, his precious soul ; and the little finger the body, as little and contemptible in comparison of the soul ; but by the whole hand was represented God the almighty Creator of heaven and earth. And the imprecation annexed to the oath was this ; “ that he or she
 “ might be excluded from all communion
 “ with God the Father ; in the hour of
 “ death be deprived of all help and mercy
 “ from the Son, and of all the comforts
 “ of the Holy Ghost ; and that on the
 “ day of judgment he or she might not see
 “ the

“ the face of God, but be damned with
“ devils to all eternity.”

SECTION XLIV.

Why,

IT was hoped that ceremonies cloathed with such terrors would, in some measure, check the dreadful frequency of perjury ; but no, even these shackles were too weak to bind the wicked to their duty : so that it is no improper question to ask, why these imprecatory oaths being thus ineffectual, were still kept up ?

1. Among the principal causes are reckoned the false notions concerning this point of doctrine.

2. The selfish views of rulers and ecclesiastics, which were supported by the inferior priesthood ; likewise deceit and simplicity.

Their
supposed
sacred-
ness.

Their false notions concerning an oath, consisted chiefly in this, that they held it to be something sacred ; and that every thing relating to a solemn oath, might have an appearance of sacredness, it was usual at the taking of such an oath, to bring forth relicks, to require the assistance of ecclesiastics, to spread open the book of the gospels, and to pronounce the imprecation in the petitionary

tionary stile, *so help me God* ; for this we are obliged to the emperor Justinian Nov. VII, Besides this sacredness an oath was held to be enjoined in the moral law, Deut. vi. *Thou shalt worship the Lord, and serve him, and swear by his name.* Accordingly, if any one was deterred by the dreadful form of an oath, and offered to plead our Saviour's words, *Swear not at all*, especially if he thought the matter too slight to stake his soul for it, the answer was ready: an oath is a most sacred thing, a duty of God's own institution.

Now this error is the more dangerous, as having an appearance of truth; and, by long custom, had struck its root so deep, that to dispute it, would be bringing one's self into danger of being execrated as a state-heretic. But that shall not intimidate us from trying whether this confused idea cannot be unravelled.

SECTION XLV.

HOLINESS in God, signifies the love of his perfections, from which he cannot deviate ; in man it is whatever awakens and increases a love of those perfections: Meaning
of the
word
holy.
in

in this sense, the word of God, his laws, his sabbath, devotional offices, are termed holy, as setting forth God's attributes, exciting a love of them, and preserving us from sin and evil. Consequently an oath, as arising from evil, namely, mutual mistrust, and in its very nature and form exciting rather fear than love of God, cannot strictly be termed holy. Indeed, the invocation of the Deity as an omniscient witness is very allowable, because with conscientious persons it manifests a confidence in God, and integrity of heart. And this should be the term of our affirmations and engagements, without going any farther lengths, and having recourse to dreadful imprecations; and still less should it be couched in the form of a prayer, the better to blind the people: as hence it is that many to this day are so possessed with the sacredness and transcendency of an oath. But if it be so very sacred, how comes it that oaths were not used, nor permitted among Christians for above the space of five hundred years? How comes it that, except in Spain, the clergy, who yet are particularly obligated to every thing sacred and devotional, were soon dispensed from all oaths whatever, till the thirteenth century? How comes it that in the ninth cen-
tury

tury they excused themselves from taking the oath of fealty, and obtained from Honorius II. an absolute exemption? How comes the canon law to forbid taking an oath on Sundays, c. 1, *de feriis*; yet this is the day particularly consecrated to God?

SECTION XLVI.

THOU shalt swear by his name. To wrest this into a moral command, is no less ingenious, than from Saint Paul's words, *A bishop shall be the husband of one wife*, to obtrude a wife on the holy father at Rome, as a help-mate. In Moses's writings, the word *thou shalt*, means only a permission, and not a command. *Thou shalt give thy wife a bill of divorce*, is by no means a moral command, but a divine indulgence, on account of their obstinacy and hardness of heart: so likewise as to an oath, if swearing there must be, let it be in the name of God, and not of false gods, or idols, as the ignorant Canaanites used.

These confused notions gave rise to several other prejudices.

1. That in an oath a *vow* was made to God; and hence the common phrase, to witness

The supposed command further explained.

Other errors.

witness to his vow and oath. This error the ingenious Puffendorf has unanswerably refuted from the scope of an oath : it is not to God, but to him who has required the oath that something is promised. Therefore all illegal extorted promises being in themselves void, it is not an oath that can make them binding ; and there is no maintaining Grotius's opinion, that by reason of the reverence due to God, what is sworn, in what manner soever extorted, must be made good. At this rate, an oath becomes a bond of iniquity. With a vow the case is different ; there indeed something is promised to God, yet will he never extort any thing from his creature.

2. That so early as in Paradise, an oath was used relating to the tree of life ; that baptism and the Lord's supper imply an oath ; and where does not an oath or adjuration occur ? The absurdity of such assertions, besides betraying a wretched ignorance of the covenant of grace in Paradise, and of the two sacraments of the Christian church, is sufficiently manifest to those who see more clearly into the nature of an oath. It were to be wished that teachers in their instructions, would forbear any high-flown phraseology, aiming more at the reputation of

of eloquence, than at a solid investigation of things; then would such prejudices concerning the sacredness and transcendency of oaths soon vanish before the rising beams of truth.

3. The examples of the saints in the Old and New Testament, which cannot be controverted, are likewise continually produced to prove the sacredness of our modern oaths. But how far truth gives a sanction to this, and whether it can sufficiently exculpate our present forms of oaths, we shall now impartially examine.

SECTION XLVII.

SWEARING in holy scripture does not mean those imprecatory oaths now frequent among us; but those strong expressions which men on a necessity have ever made use of in token of their veracity, and to gain belief; thus Joseph swore, *By the life of Pharoah*, which meant no more than *as I value the life of Pharoah*. So St. Paul swore by his *glorying in Christ*, which may be pretty much the same with our *upon my honour, as I am an honest man, and the like*. St. Paul has still some stronger attestations, *God is*
Confutation of them.
my

my witness, Philippians i. God and the Father of our Lord Jesus Christ knows it, Gal. i. I say the truth in Christ, and lye not, Rom. ix. I call God for a record upon my soul, 2 Cor. i.

Attestation of St. Paul.

Now all these attestations do not in anywise come up to our oaths. St. Paul never once meant by such attestations to deliver over his soul, the property of Christ, to eternal damnation : whether he delayed or hastened his coming to the Corinthians, was a matter of no very great moment ; and therefore he attests God, that out of his tender affection to them, he will not yet come, as it would be in *heaviness*, and *making them sorry*.

The vehement Beza will have it that St. Paul here actually stakes his soul, that is his earthly life. The word *soul*, indeed, often has that signification, both in the Old and New Testament; Jehu says, *If any of those who are delivered into your hands escape, your soul shall answer for his soul*. Likewise in Justinian, *de publ. jud.* a capital punishment is termed *animæ amissio*; but even admitting Beza's interpretation, infinite is the difference between temporal life and eternal salvation. Here is no invoking of God's eternal vengeance; the Menno-

nists and Quakers would not make the least scruple to swear in the form of the Saints; they hold such oaths not only allowable, but proper and good, especially as declarative of a belief in God's omniscience, and of an upright heart void of all artifice and fraud. But it is impossible for them to conceive how they, who are not able to make a hair white or black, shall take upon them to stake their souls: and those conscientious people cannot conform to our imprecatory oath. Most of the moralists of our days agree with Mosheim, that shining luminary of Germany, that ornament of theology, when he says, " asseveration is not an oath, " imprecation is not an oath; but these " two kinds are blended in our oaths, being expressed in scripture under the " word *swearing*. The old theologists " would prove the propriety of an oath " from fifty passages of scripture; which " together amount to nothing. This " point of doctrine was, indeed, extremely " intricate and perplexing, till Grotius " and Puffendorf, from the principles of the " law of nature, set it in a better light. " The Baptists and Quakers would make " no difficulty of swearing as Paul swore, " if that would be accepted; but Christ's

G

" words

“ words stick in their stomachs, so that they
 “ cannot digest our cursings. It was for-
 “ merly thought that their opinion ought
 “ not to be tolerated, whereas at present they
 “ are acknowledged to be as good subjects
 “ as others ; and since their opinion does
 “ no harm, why should they be molested?
 “ The sovereign’s end is no less answered
 “ by their affirmation than by all our im-
 “ precations : so that perjury with us is
 “ a sin of a quite particular kind, and we
 “ cannot be sure that God will ever par-
 “ don it. The most profligate sinner still
 “ has the Divine mercy for a refuge ; but
 “ the perjured man excludes himself from
 “ it, and calls on God never more to shew
 “ him favour : yet are we not to infer
 “ that this sin is unpardonable, the Di-
 “ vine mercy being infinite. This, how-
 “ ever, should powerfully deter us from
 “ our imprecatory oaths ; and to those
 “ who are so zealous for converting the
 “ Baptists, let me recommend, instead of
 “ multiplying passages of Scripture quite
 “ foreign to the purpose, to prove from
 “ Scripture, that it is lawful for a Chris-
 “ tian to renounce the grace of God.”

SECTION XLVIII.

THE celebrated Buddeus says in his *Theologia Moralis*, “ the calling God to
 “ witness does not constitute an oath. <sup>Bud-
 deus's ex-
 planation.</sup>
 “ David in the 119th Psalm, says, *I have*
 “ *sworn, and am stedfastly bound to keep thy*
 “ *statutes.* This is no more than affirma-
 “ tion and asseveration, which, without the
 “ greatest absurdity, cannot be strained to
 “ an imprecatory oath. Do not the fol-
 “ lowing words plainly shew that he calls
 “ on the omniscient God as a witness,
 “ and not as an avenger, as a searcher of
 “ hearts, to whom his sincere resolution to
 “ walk in the ways of the Lord was well
 “ known. *Lord, let the freewill offerings of*
 “ *my mouth be acceptable to thee, teach me*
 “ *thy statutes, and incline my heart to thy*
 “ *testimonies.*” Now is there any thing
 here like swearing? and should it be asked
 whether David in any subsequent trans-
 gression of God's commands was not per-
 jured; I answer in the negative. It would,
 indeed, have been swearing falsely, if at
 the time of his swearing it had not been
 the sincere purpose of his heart punctually
 to observe the statutes of the Lord. But if

the question be, whether for such a false oath David might not expect God's vengeance? Yes, certainly. Then is it not all the same thing? No, by no means; let us take this difference with us, that David by such a false oath did indeed give a *fore* wound to his conscience, but the wound we give is incurable; that he had temporal and eternal punishments to *dread*, but we frequently *call* them down on us; that he left the Divine justice *to take its course*, but *we defy* it; that, after all, he by repentance might avert punishment, but we consign ourselves to eternal damnation. We exclude ourselves from all mercy; we renounce all grace, and stake our souls for time and eternity. Now, ye sticklers for oaths, draw forth all your examples of saints, and produce so much as one who can properly be said to have taken an imprecatory oath.

SECTION XLIX.

Selfish
views of
the cler-
gy.

BUT the Romish clergy were concerned to propagate those intricate notions, as enlarging their juridical power, to the great diminution of business in courts of justice. Boniface VIII. c. 3. *b. t.* having ordained
that

that all civil causes attested by oath should be heard before the spiritual court, it was buzzed into the ears of the lower class of people as a sure caution, to confirm all their proceedings by oaths, which must have been a farther detriment to the civil courts; and the notaries were carefully instructed not to omit in any instruments, which they drew up, a *nota bene*, that the above contract had been confirmed upon oath, Mornac. l. 8. c. de episc. aud. Now all cases of conscience being under the cognizance of the clergy, an oath likewise, as a sacred thing, being taken on all occasions, and the clergy, whose words were accounted oracles, advising it as the most effectual security, it is easily imagined what a sway those men must have hereby acquired over people's consciences. The civil power might well apprehend, that at this rate they should find themselves without any judicial authority. Spain, to prevent this, prohibited such a *nota bene* to be inserted in contracts, under penalty of being void; and the notary to lose his employ, and forfeit half his substance, Felician. de Oliva de foro ecclesiast. The clergy could not fit easy under an ordinance thus at once drying up a spring, through which money was continu-

ally flowing to them ; and they were not long in finding means to pick a hole in this mortifying edict. The people were taught that an oath was something so sacred, as not to be abolished by any temporal rulers. Whole volumes were written about the absoluteness and prerogatives of an oath, which was said to be of such force as to give a sanction and validity to practices however illicit and contrary to all laws, *Seraph. de Seraph. de privil. juram.* Appeals from civil courts were received in the ecclesiastical ; injunctions were issued, that all business or causes transacted upon oath, should be cognizable only by the spiritual court, under penalty of excommunication. By these arts did the ecclesiastical power rise on the ruins of the civil ; and so effectually was the mouth of princes stopped, that they durst not so much as ask, *Domine papa quid facis?* To this are owing the multitude of ordinances concerning the validity, omission, and suppression of oaths, with which the canon law swarms.

SECTION L.

BY these sinister practices has imprecation been brought to its present enormous pitch, as a most proper instrument for maintaining

taining the public tranquillity ; and to this day does it keep its ground, tho' the ends of it are far from being answered ; and every thinking person trembles at the abuses of it, which yet are unavoidable. Custom has lulled us into such a profound sleep, that we cannot bear to be awakened ; we storm at those who would rouse us out of our lethargy. May one ask whether this so celebrated expedient be any more than a prejudice or notion, a mere custom introduced indeed, but the propriety and efficacy of which, can hardly be proved either by Scripture or reason? Were we not so relax and torpid in the search of truth, it would shew itself to us ; for though shrouded under a thousand prejudices, still some beams are continually breaking forth, and they who seek her diligently shall find her. The English have a saying, *We could go farther, would we but use our feet.* The necessities of life indeed dissipate us, and indispose us for the investigating such truths, as require intense application, and frequently meet with nothing but trouble for their recompense. However, my duty as a man obliges me to contribute my small mite to the welfare of society, or, at least, what I think is for its

welfare ; though I am not ignorant that to corrupt men truth is as insupportable, as the radiancy of the sun to weak eyes.

SECTION LI.

How truth
is to be
sought.

IN doubtful cases, instead of listening to the suggestions of passion, we are to consult the Scripture, reason, and experience. These will inform us whether the imprecatory oath, so deeply rooted by custom, be such a very proper means for insuring fidelity, bringing truth to light, and promoting the public welfare.

SECTION LII.

Experi-
ence.

WE have already seen from history to what monsters this so celebrated expedient owes its invention ; how the use of it has been propagated by insatiable ambition and avarice ; and how the corrupt views of spiritual and temporal rulers have imposed on the simple commonalty by all manner of artifices and sophistry. Experience has likewise shewn, that amidst all the increase of imprecatory oaths, even from the earliest ages, they have not been able to restrain the passions : and it is observed, that
all

all the Grecian republics, where oaths were most in use, had but a very short duration. Experience has shewn that China, the most ancient monarchy in the universe, has maintained its constitution without any oaths: that the Japanese, a numerous and powerful people, stand in no need of any such expedient for the security of their government, or the support of public tranquillity; and that the Ottoman-Porte can keep many nations in quiet subjection, without binding them by oaths: that Philadelphia, a flourishing city in America, which allows of no oath in any case, pays the king of England all due obedience, no less than his most loyal subjects; and supports itself by quite other means than swearing. Experience teaches us that in all republics, where it is usual for representatives to swear in the people's name, many thousands of the people do not so much as know what the oath is, and still less, that they are bound by it. Suppose some essential duty of a subject, in which this obligation should hold good; yet after a person has acknowledged the prince whose protection he enjoys, as his rightful sovereign, however often he may have sworn, he will cease to adhere to this essential duty, or his oath, when he finds
that

that he can better his condition under another sovereign. At the least appearance of a more advantageous station, there is an end of all ties; and the subject who quits the country will shew equal disregard to the same oath taken to a second, third, or fourth sovereign, wherever his destiny carries him, shifting his sworn allegiance with his abode. Of this the migration of so many hundred Swiss to Carolina, and other countries, is such a glaring evidence, that it would be superfluous to enter on formal proofs. There is no law, tie, or obligation which can extinguish the innate propensity to promote one's own happiness, as indeed it is the first, the capital, law of nature.

S E C T I O N LIII.

What reason teaches.

SOUND reason calls aloud to all republics, Have ye then so utterly forgotten both the basis and principal end of all government? Know ye not that man cannot enter into compact, nor submit himself to another, unless it be for his advantage and happiness? Sound reason teaches us, that men invest princes with such dignity, consideration, and authority, purely that under them they may enjoy protection and safety; and

and the better this desirable end is answered, the more willing will they be to support him on the throne, and risque life and fortune in defence of the government. But if the prince fails in giving his subjects such protection and safety, and abuses his prerogative, then is dissolved the natural tie by which the subjects were united to the sovereign: the strongest oaths become weak as rotten thread. But for the ruler to protect his subjects, and discharge the other duties of sovereignty, he must necessarily have a power to make use of all those means which contribute to the welfare of the state; as to enact laws, and annex adequate punishments to them, that they may be duly obeyed. On this compact stands the right of sovereigns to command; and hence is derived the duty of subjects to obey.

This is the original compact which the first societies entered into, as an effectual check against the ebullitions of our desires and passions, and for inclining them towards the public good. To ask where, and in what archives this compact is to be met with is a silly cavil. It is written in every one's mind; there lies the original; there our brave forefathers found it; and
on

on the noblest grounds did the United Netherlands restore it. This compact all nations groaning under excessive oppression will find. All imprecatory oaths will be eaten up by rust ; all prejudices will vanish ; but never will the artifices, devices, and violences of rulers be able to still this cry or to suppress this natural impulse after happiness. This is the foundation-stone of the liberty derived from our ancestors. Reason farther teaches us, that the principal end of all government extends no farther than outward tranquillity ; and that nothing farther is incumbent on a ruler than the security of his subjects in their property, life, and character : this is the entire object of polity ; this constitutes the real welfare of a people. Now the means of obtaining this outward quiet and prosperity, must be chosen and made use of, in the manner most conducive to the end. If I expect and require my sovereign's protection of my character, property, and life, in virtue of a compact ; he has undoubtedly an equal right to expect and require my obedience to all his orders : and if I fail in my obedience, he has a right to punish me, according to the laws, in my character, body, life, and substance, in proportion

portion to the greatness of my crime. This is the right way to secure obedience, without any imprecations, and damning one's self to all eternity, on any failure of obedience; and this even in such duties as do not essentially affect the state. The punishments inflicted by the law are sufficient; and by the means of these, an able prince will maintain his own dignity, and the public welfare: with the bulk of mankind, who are giddy ignorant slaves, present punishments make a greater impression than those of an eternity to come, which they unhappily flatter themselves with the hopes of escaping.

S E C T I O N LIV.

REASON teaches us the inutility and danger of swearing; for as iron chains are known to wear away in length of time, and to become unfit for use, so has experience shewn that an oath, that adamant-
 tine band, is by much use become full of holes, so as to be easily broken. Therefore I do not know whether the frequent administration of oaths does more good than harm: but I will venture to say that in our free states it is quite needless; and possibly

Never to swear when the end can be otherwise obtained.

sibly may take its rise from this mistake, that an oath strengthens a sovereign's right over his subjects. *Besoldus de Civit. Imp. c. v.* has long since demonstrated, that by all this swearing a prince acquires no other kind of right than what he had before : for subjects do not become subjects by this swearing ; but the swearing is a homage they pay in their quality of subjects. Another common prejudice is, that by this swearing, the subjects fidelity is better secured ; whereas I am certain that the excellent conduct of our gracious rulers binds the hearts of the subjects better than any oaths ; and they may at all times depend on their unshaken fidelity, were there no such thing as an oath : for where, in the name of goodness, can they in the whose universe promise themselves such happy days as under their paternal administration ? But what shall we say to the annual oaths taken by our beloved and honoured rulers ? Who requires such a thing at their hands ? But custom so reconciles us to the most hateful objects, that we can composedly view the most terrifying monsters : and may it not be asked whether such an obligation has lost all its strength within the narrow compass of a year ? If the fear of punishment, a hand-

some appointment, love of virtue, hope of preferment, honour, integrity, are not able to keep a man to his duty, what signifies having recourse to oaths? Were he to be sworn every day, it would not make him a whit more conscientious.

SECTION LV.

REASON teaches us that we should know what we swear. That our gracious regents have the public welfare at heart in all their measures is undeniable, and as certainly are we bound to obey; and that not only for conscience-sake, but for our own private benefit: yet no less certain is it that we know not to what, and how many duties we swear. The laws and ordinances grow obsolete through the multitude of them: besides many, which as it were die in the very birth. In the variability of all sublunary things it cannot well be otherwise. Of most ordinances the commonalty know not a syllable; some indeed are inculcated into them by being publickly read every year; but still more effectually by the punishments inflicted on the offenders; so that they swear without any scruple, or so much as any thought

The duty sworn to should be known.

or

or reflection. It is not only the commonalty, but our ablest statesmen, I believe, will own, that with all their extensive knowledge, they are not acquainted with every particular edict. Thus we swear to duties which, such is their multiplicity, never were, nor can be, known to all; especially as obedience is likewise promised to all future ordinances.

SECTION LVI.

Must be
possible.

FARTHER, sound reason teaches us that nothing impossible is to be obtruded on us by oath. A wise ruler will always consider the weakness of men, and deal with them accordingly: whenever any laws are imposed on us, which bear too hard on our self-love, it is not to be expected they will meet with obedience. The great by their power, and the commonalty by artifice, will find means to evade all such injurious edicts. This no legislature is ignorant of. If we consider the depraved bent of nature, preferring a petty lucre, honour, or pleasure, to any duties whatever: if we consider also our natural negligence; the circumstances of the

the generality of people being such, that their continual and necessary care of earning a subsistence absorbs all other attention: if we farther consider the many commands, prohibitions, and injunctions, which are to be the rule of our whole conduct; we must be convinced how very difficult it is so to frame an oath that the duties sworn to shall be possible, and the public welfare supported; especially, it is incumbent on rulers to interpose their authority, that God's name be not prophaned in any rash, trifling, or absurd oaths, to be taken either by themselves or their subjects.

SECTION LVII.

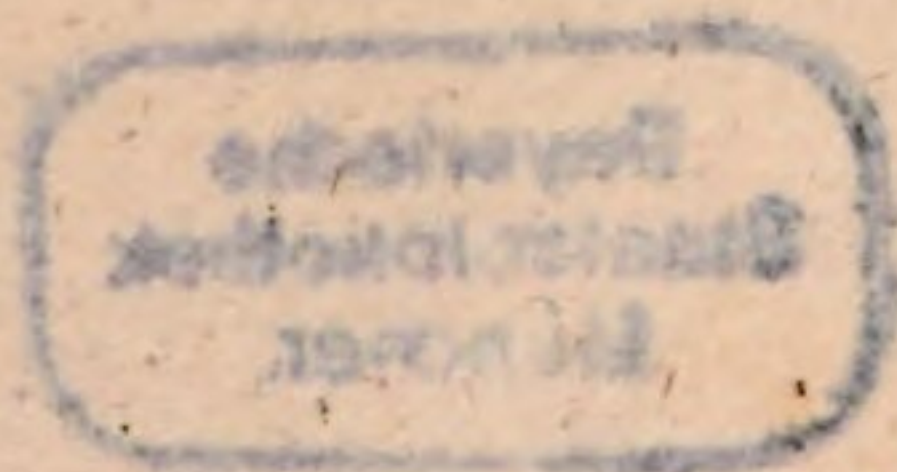
BESIDES being possible, the matter is ^{Must be} likewise to be worth an oath. Many, ^{I of importance.} may say most, ordinances are not of such weight, that an oath should be required to the performance of them, and the less, as sufficiently strengthened by the punishments annexed to disobedience; for it is the execution of such punishments, and not oaths, which will procure compliance: and if some thoughtless or obstinate people are wanting in due obedience; yet is not their crime so big with mischief

H

as



as to shake the foundations of government. Were the greater part of the political ordinances flagrantly violated, the state would not be ruined ; but the poor souls, bound by imprecations to the observance of such ordinances, are exposed to eternal destruction. For, alas ! in all republics so many duties are sworn to by the lump, that maturely to examine them singly, whether each is worth an oath, the ingenuous mind must be covered with confusion. O ye respectable rulers ! ye beloved fathers of our country, consider, I conjure ye, how by such customary oaths, you plunge yourselves and your subjects into everlasting destruction ! Away with that notion with which so many are infatuated, that it is not obedience which is sworn to, but only submission to punishment, in case of offending. With such quirks and subterfuges do they labour to drown the clamours of conscience, and suppress all sense of the guilt and turpitude of perjury. To expose this pernicious error, and shew its weakness, Moses, at this rate, must not have understood the very oath which he prescribed : *If a man swear an oath to bind his soul with a bond, he shall not break his word ; he shall do according to what proceedeth out of his mouth,*



mouth, Numb. xxxi. If such explanations be made use of to annul the obligation of laws, it will be found, to the extreme detriment of the public security, that no tie can be made of adequate strength; consequently all oaths are unnecessary and insignificant. Then a man may form a design to betray his country, only risking to be torn in pieces by horses: but if he escapes discovery, and consequently the punishment to which he was to submit, he is not perjured, though he had sworn to punctual conformity to the laws. The civilians are unanimous that it is a most stupid and deplorable self-delusion to imagine that paying the fine, or undergoing the appointed punishment of a trespass, discharges the stains of perjury, and expiates for its punishment. The incomparable Puffendorf, *L. iv. c. 2.* has these words: “ The opinion that the undergoing the punishment appointed for the breach of a law, which one was bound by oath to observe, discharges from the guilt of perjury, is by no means to be admitted; or that at the taking an oath he had explicitly made such reservation with the consent of the party, who insisted on his swearing.” A thief, after

being whipt, is still a thief; and he who has violated the duties he had sworn to, is still perjured, whatever punishments have been inflicted on him.

S E C T I O N LVIII.

Conse-
quences of
such ex-
planati-
ons.

ALL such explanations really deserve no other name than that of sophisms, suggested by a sense of perjury; but necessarily vanishing at the dawn of sound reason, being incapable of assuaging any well informed conscience. He who has any acquaintance with republican governments, who knows the multitude of their laws and ordinances, who understands the nature of oaths, and examines the conformity between such oaths, and the daily practices of rulers and subjects, cannot but shudder at the palpable truth of this saying, *that town and country are over-run with perjury*. But is this palladium, this oath so highly commended, only a hobgoblin? Is it not a most serious affair? Is it of no consequence to the perjured? Has it no relation to heavenly blessings and curses? Then will the very Pagans rise up in judgment against us; they, by the mere light of nature, clearly saw

saw this truth, that God would never suffer an oath to be violated with impunity.

S E C T I O N LIX.

THE light of divine revelation agrees with reason, and gives us more evident information. In the New Testament, both the prerogative of rulers, and the obedience of subjects, are fixed upon grounds that admit not the least doubt. Christ and his apostles were very careful to recommend and enforce the power, dignity, and prerogative of princes; on account of the excellency of their office, they are stiled gods, so that Christian subjects are to obey severe and unjust sovereigns, and suffer much ill treatment, rather than offer any resistance. By their profession of Christianity they are raised far above all temporal interests. Nothing earthly is worth any long solicitude or pursuit: and so well inculcated were those doctrines, that we do not meet with one single instance of their going about to alienate the minds of their fellow citizens against even perverse and cruel rulers, or of their having a hand in any tumults; well knowing that such opposition must always terminate either in

What the
Scripture.

the detriment of prince or people. And never is this due obedience urged on account of being sworn to ; but the reason was, that such disobedience was an opposition to the ordinance of God, and would draw on a heavy condemnation. The means prescribed, and put in the hands of rulers was a sword, and not an oath ; that is, the power of punishing, and thus of compelling the refractory and seditious to such obedience as the public tranquillity required. The natural right, *the original compact*, the basis of all governments, has not invested rulers with so much power and dignity as the Scriptures, in which there is not a single passage that looks towards making use of imprecations to enforce obedience ; much less that enjoins them, as a fit method for supporting the state and the public tranquillity. Shall then Christian rulers, not content with the power and authority bestowed on them, compel their fellow-creatures to engage, under the penalty of eternal damnation, to discharge the duty of subjects ? This is the more unaccountable, as in every republic, each ruler or magistrate, considered personally, is only a subject and a member of the political body. Consequently, by an imprecatory

precatory obligation, he, on transgressing a law, plunges his soul into eternal destruction. What warrant have rulers for this? What a cry of vengeance will on that tremendous day be raised against these soul-destroyers?

SECTION LX.

IN support of doctrine of swearing, the example of Joshua is produced, who, by Moses's command, made the whole people of Israel swear; and this oath was likewise strengthened by imprecations: consequently all princes, as God's representatives, may require from their subjects obedience to all their commands and prohibitions; and this on the penalty of eternal punishment. A very wretched inference; for what can be more evident than that,

First ob-
jection an-
swered.
Joshua.

1. This swearing was a solemn renewal of a covenant with God, and not taking an oath to Joshua: he himself swore like the people, though raised by divine appointment; and as such, selected from the whole people, he might surely, with no less right than modern rulers, have received an oath of homage; yet he only *reminds* the Reubenites, the Gadites, and half the

tribe of Manasseh. Why did he not command them by their oath of allegiance? Why, because neither he nor they knew of any such thing. Had homage been customary among God's people, the Reubenites, the Gadites, and half the tribe of Manasseh would hardly have annexed a proviso to their obedience, *only the Lord thy God be with thee.*

2. No ruler upon earth is to assume a right equal to that of the Creator over his creatures; at least, till he can shew the like reasons and authorities for binding them to obedience, in their miraculous deliverance and support.

3. Farther, what Moses here, by the divine command, gives in charge to Joshua, rulers should be very cautious of imitating. They must previously have the most unquestionable assurance of God's having granted them such a power. The divine mission of Moses was manifested by many miracles, so as to leave no doubt that his order proceeded from divine inspiration.

4. No obligation was here required with regard to the commands of man; but only God's sacred ordinances: the imprecations to which the people of Israel proclaimed their assent, related only to duties essentially necessary

necessary to the preservation of the Jewish state, or easy to be complied with by those who were not sunk into a most abandoned profligacy.

5. Lastly, it is not clear whether those imprecations extended to the future state, as Moses in his particular enumeration of them mentions only temporal evils, pestilence, famine, dearth, disease, wars even to their being totally cut off, but not a word of eternal damnation. Many Jews hold that, finally, all the children of Abraham shall be received into his bosom.

S E C T I O N LXI.

WITH as little reason is Jephthah quoted : as a bastard, he had been driven out of his father's house, deprived of his inheritance, and forced to go and seek a living in the land of Tob, where, getting together a troop of desperadoes, he made himself famous by incursions ; so that the Gileadites being sorely pressed by the Ammorites, sent some of their elders to him, with the offer of being their commander. To this Jephthah consented, on condition that on his repulsing the Ammorites, he should be their head ; the elders made
answer,

Second
objection
answered.
Jephthah.

answer, " The Lord be witness between
 " us, if we do not so according to thy
 " words."

Answered The Gileadites bound themselves that,
 on obtaining the victory, they would
 confer the supreme power on Jephthah,
 who, indeed, had as it were been pointed
 out by the finger of God. As head, he
 could make laws, appoint punishments,
 and chastise the disobedient; but could
 he, though head, force obedience to his
 commands by an oath, to the ruin of souls?
 This stands in need of proof, the subjects
 being bound to obedience by the power con-
 ferred on him, and not by the oath. Farther,
 the obligation of the oath of fidelity at first,
 and for several ages, went no farther, than to
 acknowledge the sovereign as such; that
 is, as one who has a power of command-
 ing and of punishing me if I disobey, as
 may be seen in the oath of fidelity drawn
 up by the fourth council of Toledo. Be-
 sides, the office of a judge in Israel was of
 a nature too much out of the common
 course of affairs, to be brought as a pre-
 cedent; for God himself was pleased to be
 king over Israel, as his peculiar chosen
 people, and he sometimes raised up men of
 heroic spirits as his instruments to deliver
 his

his people from oppression; and these depended immediately on him. When the service for which God had called them forth was over, they usually lived a private life. To make laws, and compel the people by oaths to obey them, never came into their thoughts; not the least trace of such a pretension is to be found either in these or any of the ordinary judges of Israel, who yet were chosen out of the heads of the tribes.

SECTION LXII.

ON the restoration of the Jewish government, after the Babylonian captivity, poverty and oppression had given occasion to many abuses. This the devout Esdras could not see without extreme grief; and to put a stop to these evils, he made all Israel take an oath that they would observe the duties contained in it; and to this they swore.

The third
objection
answered,
Esdras.

But here be it noticed that the duties of the Mosaic law were at that time quite neglected, the dues of the priests and Levites not paid, the necessaries for the service of the temple not furnished, and, in direct contradiction to the law, foreign women were taken to wives, and such profane marriages

riages connived at. Now, the accomplishment of the plan formed by God himself, to send the Messiah for the salvation of mankind, required that the service of the temple should be restored, and kept up till the coming of the Messiah : and these were the duties contained in the oath proposed by Esdras ; and this oath was the more reasonable, as the duties were the very fundamentals of their religious and civil constitution. Israel's possession of the land was, by virtue of the covenant, connected with their performance of the duties specified to them by Esdras ; and this oath was in effect only a renewal of the antient covenant with God : nothing of homage or obedience was sworn to Esdras.

S E C T I O N LXIII.

Farther
confuta-
tion of it.

IF the oath of allegiance be so well warranted in Scripture, how is it that Samuel, after discharging his office of judge irreproachably, does not, on being so illegally deposed, say a single word to the Israelites about their perjury ? Had his authority stood on such a basis, how could he so readily descend from it ? For, as a prophet, he surely should have endeavoured

voured to rectify the fickle and perverse temper of the people, by representing to them the sacred nature of an oath ; and the danger which they incurred in soul and body by violating it : especially, since it was not so much Samuel as God himself, as he condescends to say, who was rejected to make room for Saul's new fangled royalty. And why did not Saul require an oath of homage ? How could it be that, amidst so many illegal administrations, the violent separation of the ten tribes, so many rebellions, seditions, depositions, and murders, not one of the kings of Judah and Israel thought of this so rare expedient of binding the people to obedience by an oath. Either they must have been very shallow politicians, or must have known, from good experience, that the sword will go farther in enforcing obedience than all the oaths that can be made. We are not to imagine that this so valuable state-secret was not known to them. Swearing prevailed to such a degree among the Jews, that the prophets denounced God's most destructive judgments against them on account of such profanations.

SECTION

SECTION LXIV.

Farther
confuta-
tion.

NO ruler should claim a right of imposing oaths, which affect soul and body, till he can prove that the Almighty has put into his hands the key of hell to punish the disobedient; and the keys of heaven to reward good subjects. Could one instance of this be produced from holy Scripture, which yet, I defy any one to shew, still would not this warrant rulers in binding subjects to obedience, under penalty of eternal damnation: this cannot but be a high offence against the divine majesty.

SECTION LXV.

Saying of
Christ.

VERY far is the New Testament from countenancing any such thing. The sentence pronounced by the Word of truth itself, "swear not at all," annihilates all such power, blasts the fig-leaves of far-fetched interpretations, and silences all palliatives, excuses, and equivocations. Among the Jews swearing was got to such a pitch as to be used in common conversation, as an ornament of discourse on any trifle; and was accounted very lawful, provided
they

they did not swear to any thing false, as that a man saw an ox, or a camel fly; nor to things commonly known, as the sabbath was the seventh day; nor to impossible things, as that one would touch the moon with one's finger; nor to criminal things, as that one would never pray. This, and the like trumpery, occurs in the Talmud: otherwise, say they, an oath has some good in it; and the divine clemency bears with it, nay has enjoined it as a religious duty. But what says our blessed legislator, the eternal son of God? *Ye have heard that it has been said by them of old times, thou shalt not forswear thy self, but shall perform unto the Lord thine oaths. But I say unto you, swear not at all, neither by Heaven, for it is God's throne, nor by the earth, for it is his footstool; neither by Jerusalem, for it is the city of the great king; neither shalt thou swear by thy head, for thou canst not make one hair white or black: but let your communication be yea, yea, nay, nay; for whatsoever is more than these cometh of evil, Matt. v.* Selden tells us of an English clergyman (Linacre) who, and only a little before his death, reading this passage for the first time, threw away the book, with these words

words, *We are not Christians, or the gospel is wrong ; we swear too much, or Christ forbids too much.*

SECTION LXVI.

Two opinions concerning
Matt. v.

THIS passage being very differently explained, candour requires that, to the best of my poor abilities, I should impartially set down the reasons alledged for both opinions.

One side thinks that Christ here combats the false prejudices, of which the Pharisees were full, that Moses had enjoined the oath as a holy thing, and thus they had come to make a common custom of it. Christ allows that Moses permitted them to swear, but did not enjoin them ; *permitted*, not as in itself good, all swearing coming from evil ; *permitted*, but not on all occasions, as a decoration to discourse, but only very seldom, and by no means to swear falsely ; *permitted*, but not with misapplied words, by Heaven, by the temple, by the altar, by Jerusalem, by one's head, but by the living God alone ; *permitted*, not triflingly or unnecessarily, but only in weighty matters ; *permitted* not on all occasions, but only an indispensable necessity.

cessity. But their abuses of this permission, as in their bills of divorcement parting with their wives on every petty occasion, induced Christ to restrain the frequency of these bills, without altogether suppressing them; nay, he declares those given on account of adultery or any scandalous cause to be valid. Thus the prohibition *swear not at all* is not to be taken in the literal sense; a matter being often carried too far, in order to obtain what is right and proper. To give a tree a strait growth, it must be often bent into a direction quite opposite to its crooked ply.

With this view it is, that Christ forbids all anger and usury whatever; which yet, under proper restraints, are very justifiable. Christ himself certifies that he is not come to destroy the law, but to fulfil it; not to promulgate a new one, but to clear the old from all the false expositions of the Scribes; which yet would be the case, did this passage absolutely forbid all manner of swearing. The same divine person has frequently given sanction to swearing, and particularly when he assented to the high-priest's attestation. Though the abuse of oaths is indeed deplorable, and ought by all means to be
I suppressed,

suppressed, yet is the proper use of swearing to be retained.

SECTION LXVII.

The other
opinion.

BUT the others maintain that these words import an absolute forbidding of all oaths whatever, alledging that obstinacy and hardness of heart must not be supposed to have prevailed among Christ's disciples, though the Jews, by reason of those vices, had been permitted to swear; and the permission must cease, when the motive of it no longer existed: that every thing for which oaths were taken related to temporal goods, honour, wealth, power, preferment; all which it was the capital precept of Christianity to renounce. Worldly goods were now no longer pledges of heavenly blessings, and thus the loss of them was to be submitted to, rather than gain or increase them by swearing: that nothing was worth staking eternal damnation on it: the whole world, according to Christ himself, is not to be compared to the loss of a soul, and he best knew the inestimable value of it, by what their redemption cost him: that to require damnatory oaths is utterly irreconcilable with brotherly love:
that

that a father, on seeing his child stand near a precipice, draws him back from the danger, and takes him away; in like manner nursing fathers of the church should not allow their children to take such oaths, however willing they may be: that Christ's meaning could not be merely to forbid rash, false, unnecessary, trifling oaths, as Moses had done before; and surely the antithesis, *but I say unto you*, imports something more than a renewal of a former prohibition: that Christ forbids not only swearing by Heaven, by the temple, &c. but as St. James, who may be supposed to have known his master's meaning, expresses himself, "Above all things, my brethren, swear
 " not at all; neither by Heaven, neither by
 " earth, nor by any other oath:" that here is no exception, as in the bills of divorce, else Christ, as in that case, would have made an exception of some exigencies: he plainly says, *absolutely, not at all*. It is no where said, ye shall on no account whatever be angry; but, on the contrary, *be angry and sin not*, so that it is only sinful, and not just, anger which is forbidden: that they would fain know what plainer words Christ could have used to forbid all manner of swearing without exception; having first forbidden

I 2

swearing

swearing indiscriminately, *swear not at all*,
 he afterwards directs us in our promises
 and affirmations, *let your yea, be yea, and
 your nay, nay*; adding likewise the reasons
 of the command and prohibition, every
 thing above these expressions proceeding
 from evil: that the high priest's putting
 Christ to his oath was a presumptuous out-
 rage, and Christ's answer a proper submis-
 sion, especially as consistently with the
 character of a dutiful servant he could not
 exempt himself from Moses's law; but
 is there any thing of an imprecatory oath
 here? and were it so, Christ was lord of
 his own soul; but surely we, who are not
 able to make a hair white or black, can-
 not pretend to the like privilege: that im-
 precatory oaths pre-suppose such a power
 over one's self, which Christ had denied in
 the example of a hair; shall we then pre-
 sume to arrogate to ourselves the arbitrary
 disposal of such a power over our souls,
 which are Christ's acquisition, and pur-
 chased by his having been obedient to
 death? Were this power given to man,
 which can never be allowed, then were
 suicide lawful: for if I may at pleasure
 call down God's vengeance on my soul,
 surely I have power over the less, and may
 use

use my frail perishing body as I think fit. But, after all, they allow an oath to be warranted by the examples of the saints, that is when the matter is of great moment, and God invoked on only as a witness, and not an avenger; yet amidst the many flagrant abuses even in these points, it is better totally to forbear all manner of swearing; and this they confirm with St. Austin's words, *Omnia juramenta pernicioſa, falſa, exitioſa; nulla ſecura.*

SECTION LXVIII.

THIS is the ſubſtance of many thouſand books, and as many more may be written before the parties come to a ſolid reconciliation: all the erudition of the pacific Grotius has been of no effect. He was for interpoſing his friendly mediation, and after maturely weighing the point, than whom no perſon was ever more capable, he obſerved that the firſt opinion has on its ſide all the councils from the ſixth century, multitudes of popes, emperors, kings, and princes, and the general practice of the world; ſoon afterwards, all reformers, all members of government, and perſons in office, have held an oath ne-

Grotius's
thoughts
on it.

cessary, and a very proper means for preserving the state and the public tranquillity : likewise, no body knew better than he, that an oath has no very creditable origin to boast of ; he knew that treachery, mistrust, iniquity, hypocrisy, envy, hatred, and revenge, have produced the monstrous swarm of oaths, especially in republics ; he knew that the violence of tyrants, the craft and practices of ecclesiastics, with the insatiable ambition and avarice of both, have stuck at nothing to promote this odious breed, and raise them to a frequency and import inconsistent with common reason, humanity, and reverence to the Deity.

SECTION LXIX.

Partizans
of the lat-
ter opi-
nion.

THE latter opinion can produce in its defence the primitive martyrs, who joyfully laid down their lives for the truth ; the majority and most learned of the fathers, together with the whole body of Christians down to the sixth century, and afterwards all who were not compelled or seduced to profess different sentiments. With regard to the Waldenses, the Wicliffites, that prodigy of learning Erasmus, some of the reformers,

reformers, and the most celebrated divines, whose many exceptions and limitations intimate that oaths are bad things; if prudential motives hinder them from declaring their disapprobation openly, they make the indispensable properties of an oath to be so multifarious as in effect to explode all swearing. Accounts are pretty well in an equilibrio, without adding the poor oppressed Menonists and Quakers. In all appearance, did not custom, though it can plead neither experience, reason, or revelation, prevail above all other considerations, the former opinion would long since have given place to the latter. The very eminent Grotius thinks that Christ here forbids only *promissory oaths*, all future things being out of man's power and ability; that sometimes they must do what they would not; and frequently an unexpected concurrence of circumstances hinders them from doing what otherwise they would; and thus they become perjured quite contrary to their will and intention. St. James himself adds to his precept this very reason, *above all things swear not*, namely, such promissory oaths, *that ye may not appear to be liars*, which agrees better with the original than our translation, *lest ye fall*

into condemnation. Grotius grounds himself on the phraseology of the Hellenists and Job xxxiv. 30. but sides with the latter, relatively to promissory oaths, and with the former in the lawfulness of affirmative oaths: he has had the fate of all mediators, to incur the displeasure of both parties.

SECTION LXX.

Grotius
attacked.

YET will the strongest champion for oaths, though armed Goliath like, and at the head of a whole host of casuists, have a hard task to foil Grotius; he alone is able to stand against many thousands, it being their misfortune to perplex themselves with so many duties, and bewilder themselves in such a labyrinth of explanations as to be quite at a non-plus. Grotius baffles all their attacks with their own weapons, and makes one an instrument of the defeat of another; and many deserting their party came over to him.

On Grotius's asking them what, and to what purpose they swear? One says, we swear obedience to all commands, injunctions, and prohibitions; to keep them, and live according to them.

Another

Another says, it is impossible that should be the object of an oath, it is not *obedience* but only *subjection* which rulers intend ; and this distinction they prove as follows :

1. It is impossible that an oath should be required to all duties and commands, some of them being as it were still-born, some becoming obsolete, some being quite insignificant, and the ends of the greater part attainable by other means ; so that such an inconsiderate and rash oath is little less than perjury.

2. This explanation is generally admitted by rulers ; and, surely, an oath must be understood according to the meaning of those who impose it.

3. This is abundantly proved by practice : never is a delinquent punished as perjured for an omission of duty ; the law is satisfied with his submission to the penalty annexed to his crime.

These ingenious elucidations the former combat in this manner.

1. At this rate, we know not what duties our oaths imply ; and this itself shews how defectively they are couched, and the necessity of specifying those duties to the observance of which we bind ourselves by oath ; for, in the strict literal sense, all
are

are equally enjoined ; and there is no distinguishing where the sovereign requires obedience, and where only subjection.

2. It is not in man's power to remit the obligation of an oath. When any one swear-eth, and binds his soul to any thing, he swears he will not break his word, but perform all that came out of his mouth. He swears *to obey*, and not to submit to the penalty ; to comply with the law, and not to suffer punishment.

3. It is an injury to the honour of the supreme powers to imagine that they want only to be fingering mulcts, though crimes were to increase so as to threaten the total ruin of the people.

Uncer-
tainty of
their opi-
nion.

Lastly, we are to consider not our depraved custom, but what will be the issue of God's tribunal.

Still more inconsistent is their answer, when Grotius asked, whether a man, on manifest breaches of his duty subjects himself to eternal damnation, in virtue of these words, *So help me God, as this is true, and if otherwise not help me, even in the hour of death ?* Here the sticklers are strangely at odds ; some answer in the affirmative, saying :

1. Otherwise there is an end of the strongest obligation by which man can be bound ;

bound; the plain literal sense admits of no other comment or interpretation.

2. Otherwise an oath is but a meer bugbear, a cobweb catching only weak flies.

3. They farther would fain know to what purpose the *Avizationes*, the oath-tables, and all the awful ceremonies, if the swearer does not draw on himself God's eternal vengeance?

Others deny it, and come forth brandishing these weapons.

1. It is not to be supposed, nay it is inconsistent with free states that Christian rulers should expose themselves and their children to eternal misery, only for some duties of little or no importance.

2. The end of all governments relates only to temporals, the security of life, property, and character; consequently the penalty, which must always be proportioned to the crime, cannot be extended to eternity.

3. Were such a rash compact formed, never could it be valid, and the less, as all promises which turn on things to come, are not in man's power, and as little is the disposal of their souls.

4. The most arbitrary despotism cannot justify any such monstrous claim, either from the first social compact, or from revelation;

velation ; and as to what deceit and superstition have introduced, and our modern infidelity upholds, the sooner we are rid of it the better.

SECTION LXXI.

The truth.

THUS these champions with all their ardour cannot agree *about what, to what, and on what*, they swear. The whole host of casuists disperse, and a great part must come over to Grotius. However they will stand up for the imprecatory oath as the band which links the whole together, and is not a little supported by the contempt of religion so unhappily prevailing amongst us ; truth is not difficult to be come at ; it is only our serious endeavours that are wanting. The English have a saying, *we could go farther, would we but use our legs* ; indolence swallows at random any tale that is told us. Our reason of itself is sufficiently weak, and we impair it by sloth and negligence, and a supine acquiescence in the prejudices of custom.

How we seek it.

We do not determine truth or falsehood by the nature of the thing, but by geography : what is customary we admit as true, like well bred members of the state, closing with that opinion which is most current.

current. A discreet Swisser on this side the Alps must, on the warrant of Geography, firmly hold that a truth, which on the other side of our mountains, is laughed at as a mere fable. Of this, instances without number might be given; but, agreeably to our design, we shall keep to the taking an oath. That Christ's saying *swear not at all*, is addressed to the Pharisees and Scribes of the tenth century, no less than to the Pharisees of old, is indisputable; or they must be able to give proofs of their having received another and a new gospel. It is certain that the Jews, with all their swearing, come very short of Christians oaths, the latter being now multiplied into so many different branches, that the bare names would make a middling dictionary. It cannot be denied, that if ever our Saviour forbid any thing, it is the cursing one's self; and he even mentions the reason, *for ye are not able to make a hair of your head white or black*. As incontestable is it, that having borrowed our imprecatory oaths from the tenth century, and inherited from it the wretched use of them, and by custom retained it, Christ's words also concern us. Must we not here with astonishment ask why we do not yield to truth?

why

why we suffer ourselves to be bandied about by the fluctuations of different opinions, and entangled in inextricable snares, and this in matters relating both to our spiritual and temporal state? To what can this be owing?

SECTION LXXII.

Why we
miss of
truth.

AN important word here presents itself, *reason of state*, the palladium of subtile politicians, and which, like an oath, it is necessary to set in a clear light, as both may be used to good and evil purposes; the former but too often degenerating into Machiavelism, and the latter into perjury.

Reason of
state what
it is.

If rulers to compass their ends make use of means, which frequently appear absurd, the advantages of them not being immediately visible, or perhaps iniquitous, as a detriment may result from them to some, though to more attended with advantages: the view in which they act is called *reason of state*, and may be good; but often is abused as a cloak for iniquity, rulers making laws or taking measures contrary to all justice, and the welfare of the state purely for private views: in this case it were more rightly termed tyranny than
reason

reason of state. Now whoever takes a view of the domestic state of republics, abstracted from their relation to foreign powers, must see whence that wretched custom of imprecatory oaths has been so long retained, and still subsists with a most unreasonable rigour. The bringing all duties under the obligation of an oath, gives rulers much less trouble than particularly to examine what duties are worth swearing to; and in dispatching affairs it is more easy and expeditious to cut asunder with an oath any knot which may occur, than to go about untying it in a tedious discussion. It suits better with natural pride to cover envy, hatred, malice, revenge, and many other odious passions under an oath, than expose our infamy to the world. Rulers of republics can give us the best instructions. Where one party cannot make good their cause so well as their opponents, a fresh oath is invented, conceiving that the great tyrannically abuse their power; whereas they themselves fervilely forbear using their power, always siding with the great. Both sides act on *reason of state.* This same reason of state is a powerful lenitive against all twinges of conscience, casting eternity quite out of sight,

fight, busying itself only about the present, acting authoritatively, prompting to swear, and trampling on all objections deducible either from scripture, reason, or experience; and thus rulers elude giving answers to the troublesome questions of an awakened conscience.

These are the advantages of their *reason of state*. Yet it cannot dull the keen conviction that this swearing to such a multitude of duties is productive of numberless perjuries; however they may strive to blind themselves with subtle elucidations, and conceits of the great distance of eternity. They concern themselves only about temporal things, and model their consciences accordingly; *reason of state* proceeds authoritatively, tramples on all the objections of scripture, on principles, reason, and experience, and arbitrarily enjoins them to take all convenient oaths, as if it could cancel the declaration uttered by the mouth of truth, of the judge of the world, and supersede the inviolable power of God over mankind. But if some reflecting consciences are for abiding by Christ's words *swear not at all*, and require explanations, *reason of state* being of a ready invention, is for putting them off with the example

example of our pious forefathers. But if they will not close with this, and cannot relish the ordures of the ancients, the worse for them, reason of state being so positive as to undertake explaining away Christ's words.

Let this serve for a faint sketch of what reason of state is. Whoever desires farther information, may consult *Conring. dissert. de ratione status*; *Naudé consid. polit. sur les coups d'état*; and Rudiger's *Art of Government*. History every where shews us, that reason of state has in all times prevailed too much. But there is a God who turns the wheel of destiny, and very often baffles the deepest laid measures.

SECTION LXXIII.

WE shall now try whether it be not possible to draw up an oath, which may be taken and observed by opposite parties with a safe conscience, and serve as a model of a rational oath, having all the requisites of an oath, being of unexceptionable validity on whatsoever side it is viewed, and likewise able to stand the test of reason and revelation.

FORM of a rational and proper OATH.

Preamble.

“ I swear,

“ To the living God, on whom my
 “ whole life and being continually de-
 “ pend;

“ To thee, O Most High, before whose
 “ almighty power the great ones of this
 “ earth are but dust and ashes, yea less
 “ than nothing;

“ To thee, O God of truth, who
 “ shewest mercy to those who are of an
 “ upright heart, and abhorrest all false-
 “ hood and hypocrisy;

“ To thee, O righteous God, who will
 “ reward every one according to his
 “ works, and not suffer the profanation of
 “ thy name to go unpunished;

“ To thee, O omniscient God, to thee
 “ who knowest my inmost heart, and who
 “ seeest into all secret things, so that with
 “ thee darkness itself is light;

“ To thee, O God, who art every where
 “ present, and who in a particular manner
 “ assistest at this transaction;

“ To thee, O God of unspeakable ma-
 “ jesty, who art possessed of every per-
 “ fection; for thine is the kingdom, the
 “ power

“ power and the glory, for ever and
“ ever.

“ With the deepest reverence do I bow The oath,
“ myself before the throne of thy ma-
“ jesty, be thou witness to the upright in-
“ tention of my heart willingly to conform
“ to the following duties :

“ Not to abuse the dignity, power, and Duties of
“ consideration which have been commit- rulers.
“ ted to me.

“ Never to deny any one my due
“ protection, assistance, and impartial
“ justice.

“ Never to design or take in hand any
“ thing which may disturb or hurt the
“ state, nor to conceal any thing of that
“ kind which may come to my know-
“ ledge.

“ To neglect nothing which may con-
“ tribute to the public welfare.

“ Not to abuse the liberty which I en- Duties of
“ joy under the gracious government which subjects.
“ God has set over me.

“ To be ever faithful and obedient to it,
“ and not to undertake nor counsel any
“ thing by which its power or honour may
“ suffer.

“ Duly to submit myself to it ; that is,
“ on my committing any trespass against

its laws, to submit myself to legal punishment.

Readily to venture my life and fortune in support of the government, and of my beloved country.

Conclu-
sion.

But knowing my weakness, I implore the merciful and gracious God, that he will strengthen this my upright disposition, and by his spirit incline my heart to perform the duties to which I have now sworn. Amen."

Observa-
tion.

These duties are indispensibly necessary: they are possible: they are adapted to the end of all government, and they are likewise sufficient for preserving the end of society.

C O R O L L A R Y.

REAL self-interest is and ever will be the great motive of man's whole conduct, and all his measures, the constant object of which is the attainment of happiness. The first mean used towards this desirable end, was society and reciprocal intercourse and assistance, and these gradually became enlarged into communities and governments. The second mean was laws for restraining the pernicious excess of passions; and that these

these laws might be supported with due vigour, rulers were invested with adequate powers; and in process of time, that nothing might be wanting to the security of mankind, an oath or swearing was introduced, and gradually aggravated to an imprecation, though the world had subsisted near five thousand years, and several potent monarchies to this day subsist without any such thing: yet is it accounted one of the most solid foundations of government; and what was invented in the times of darkness, and by monsters of wickedness and cruelty, we retain from *hereditary custom*. It is not now made a question, Whether Christians can bind themselves by a curse? that is, whether they can enter into such a compact, by which the infracter incurs eternal punishment.

It is in vain to dispute this point with those who insist on the practice of binding people by oaths. They herein betray their ignorance; they are strangers to the weight of an oath, to the various duties of man, as a member of society, to the nature of government in republics, and to the advantages of salutary laws. The present question is not about the observance, but only this:

Is an imprecatory oath allowable?

The following inquiries will furnish a ready answer.

Is it not stupid to give or take such securities as are not in man's power, and of no kind of advantage?

Is it not an enormous impropriety to risque eternal happiness against temporal trifles?

Is it not a presumptuous madness to censure heavenly wisdom, which for the safety and welfare of societies has appointed laws, and not an oath?

Is it not grimace and mockery that ministers are to attend a traitor under sentence of death, in order to save his soul, which he has forfeited by an imprecatory oath, sworn by command of the supreme powers?

Is it not an amazing contradiction to fetch from religion a band of unity among men, big with the greatest mischiefs both to religion and men?

Is it not countenancing of suicide to allow man a power of pledging his soul?

Is it not most impiously robbing Christ of his property, which he has acquired from his Father, as a recompence for his inexpressible sufferings?

Is it not a frantic custom to fling away one's soul for duties of little importance, and not absolutely necessary?

Is it not a horrid renunciation of the whole work of redemption for Christians to deprive themselves of all grace and mercy, even in the hour of death?

Is it not an abominable presumption to call on that God before whom the pillars of heaven and earth shake, and adoring cherubs and seraphs with deepest reverence cover their faces! that high and lofty One whose name is holy! to call on him as a security to the procedures and ordinances of wretched worms weltering in their filth, and which too often are the dictates of pride and revenge? Christians, whose criterion is love, and their capital rule indifference to all earthly things; Christians have acted with so little concern towards each other, and for the support of their commands, have agreed on imprecatory oaths, that, to gratify man, God, who is love itself, and whose love is the fountain of all bliss, must withdraw all his mercy and favour, and pour down his flaming indignation on that poor mortal, who either from weakness or incogitancy, fails in his obedience to their commands. Can this be considered without

emotion? Who can forbear standing forth to put a stop to such a dreadful evil?

Is universal swearing promotive of the welfare of our country? and are evils suppressed by a multitude of oaths?

The foregoing form of a proper and lawful oath is, with regard to

God (he being called on in all his perfections as witness) an honourable confession of our faith, confidentially offering up to him a heart void of falsity.

The state: hereby all tumults and sedition are prevented, the fundamental duties both of rulers and subjects specified in plain words, and the performance of them solemnly promised by the party swearing. Thus every one, who is not given up to the most abandoned profligacy, may both cheerfully take this oath, and easily fulfil it.

The duties: they are few, as the duties worthy of an oath are few; they are fundamental; they are adapted to and sufficient for the end of all government.

Obligation: the solemn repetition of this oath will, with all whose consciences are not seared, at least have an equal force as any babbling of an imprecatory oath. Who can so much as doubt that the
Deity's

Deity's vengeance will not overtake him who swears falsely by his name?

SECTION LXXIV.

TO be guided in a point of such importance by an absurd custom, and not by scripture and reason, is both an inexcusable negligence and scandalous ingratitude.

Who could or who dared to persuade mankind to bring in the Divine Majesty as a security, nay, to make him the executioner of their revenge, on the breach of any of their human ordinances, perhaps, from a natural carelessness, or suppose it even were out of obstinacy and deliberate wickedness? Is it possible that men can act with such malice and rage towards their fellow-creatures as to impose on them imprecations so terrible, that the reading of them in court fills the whole audience with horror, and the obligations of them so various and extensive, as necessarily to imply perjury? Where then is love to our neighbour, that royal command, that characteristic of Jesus's disciples? Should two citizens enter into an obligation, with this penalty, that the party failing should cut off his arm or leg; is there a ruler on earth who

Farther
proved
from the
views and
practice of
all rulers.

who would allow of such an agreement? or would not Bedlam be thought the fittest place for those who were capable of such extremities? No such thing can be the view of a ruler; for supposing subjects to break their most sacred oaths, and even to have imbrued their hands in their sovereign's blood, as was the case of that unfortunate prince Charles the First of England, would not the terrors of death be greatly aggravated to such a suffering prince by the certainty of the eternal damnation of his subjects, on account of the oath he had imposed on them? Whereas Charles, ignominious as his execution was, had quite other thoughts, praying earnestly for them. Likewise, why are ministers ordered to attend the most infamous malefactors under sentence of death, unless with a view, if it be possible, of saving their souls? Whereas if the imprecatory clause be meant in good earnest, this devout care has just as much to say for itself as the appointing a physician to prescribe to such a malefactor, how he shall preserve himself from any future distempers. Besides, the ruler has nothing to do with *hereafter*; the only object of his administration is security, quiet, and welfare in this life; therefore, not-
withstanding

withstanding any deep-rooted prejudices, let *so help me God* be expunged from all oaths, and the rather as the people are scandalously imposed upon by this shew of devotion.

Escovedo shewed himself a man of sense, in requiring from the duke of Archot this plain and short oath : *If you do so, God help you ; if not, the devil take you, soul and body.* To which they all said, Amen ! Let it not be apprehended that this will weaken the impression ; for not to mention that the people do not so much as mind this alteration, the solemnity of the preamble makes ample amends for it. He whom this will not bind to the performance of his duty, will not be frightened by any words an oath can be cloathed in.

SECTION LXXV.

AS to the duties ; the above specified concern the foundation of the state, and are sufficient to prevent any tumults and commotions. Now what more can rulers require from their subjects, and these from their rulers, who, equally with the subject, have likewise their duties ? In republics especially, all the members of the state are accounted to be on a level with the subjects,

From other duties requiring no oaths.

jects, under the same laws, bound to like duties, and liable to the same and frequently more severe punishment. But to their prudence it is referred to appoint what duties are to be sworn to ; (these should be as few as possible, such only as nearly concern the very basis of government ;) to ascertain all others, by wholesome laws, ordinances, and punishments, and not by oaths, and to force a proper obedience to them. It is a general fault in all republics to make use of imprecatory oaths, as the most forcible obligation. To ask whether this, in a religious sense, be allowable, would be a dangerous question ; yet this is the source of the land's being so wretchedly over-run with perjury.

SECTION LXXVI.

Oaths on every promissory always a profanation.

CONSEQUENTLY oaths to the performance of all other duties are useless, dangerous, and insidious, even were the above form to be adopted. The supreme powers want nothing farther than a prerogative of enforcing obedience by such penalties as the law appoints. Where then is the necessity or even the propriety of swearing all who enter on any office or post, they

they having before been sworn to the fundamental duties? And for the smaller, as set down in the instructions or precepts, the greater part of them are not worth an oath. Honour, interest, the fear of punishment, unquestionably operate beyond an oath; besides, an honest man has a claim to confidence, and after all, his probity must be trusted. In a well-constituted government an individual can scarce do any considerable damage to the public; one has his eye on another. *Privatorum odiis res publica crescit*, says Tacitus, that clear-sighted politician. To all those little towns and villages where even swine-herds are put to their oath, I would recommend the *Philadelphians*, who wisely make such ordinances, and strengthen them with such penalties, that a regular obedience is paid to them.

SECTION LXXVII.

LIKEWISE in all inferior courts of justice an oath is but a weak tie. The reasons for determining the sentence still re-
Abuse in courts of judicature.
 strain many, and the right of appealing to a higher court, makes them the more attentive and circumspect in their decisions.
 That

That the Divine Majesty should be introduced in all law affairs, many of which are for mere trifles, is a shocking scandal! as if a little honour or money among Christians (as they call themselves) whose capital duty is self-denial, were of greater concern than the honour of God's holy name. Supposing we cannot come at our right without swearing, a ready equivalent for the loss is, that it teaches us to be more careful for the future; and to call on the most high God to be as it were an arbitrator in a slight loss, is really making much too free with that Majesty to whom belongeth all honour, worship, and glory. Its being allowed by the laws to a truly pious man is no excuse, for it is known how such permission crept in, and at a time when all people were infatuated with a fondness for swearing, having been brought to believe that an oath was a most sacred part of devotion; and thus it was thought oaths could not be too much multiplied, especially where the discovery of truth was concerned. This is the rise of witnesses being put to their oath, which is now the practice of all courts of judicature.

SECTION

SECTION LXXVIII.

THE first who appointed this oath was Constantine the Great, l. 1. c. *de Testam.* The emperor Justinian, l. 19. likewise gave it his sanction; whereas this oath was never used before in civil causes, neither by Greeks nor Romans, and very seldom in criminal; but the canon law brought it into established repute. The celebrated Thomafius in his *Dissert. de Fide jurid.* c. 2. says, “The
 “ clergy make a handle of this oath to
 “ interfere in worldly affairs, which the
 “ emperors should prohibit, or at least im-
 “ pose some restrictions.” The Jews knew nothing of such an oath. *One single witness shall not be admitted against a man; in every cause two or three witnesses shall be required,* Deut. xix. And if they proved false witnesses, that punishment which they intended against their brother was inflicted on them, *eye for eye, tooth for tooth, &c.* And for coming at the truth of a witness's declaration God appointed this method; not an oath, but, 1st, That the judge should make a strict examination. 2^{dly}, That the appointed punishment should be inflicted on the false witnesses, without
 any

any indulgence or mitigation. This the divine jurisprudence thought sufficient to deter all false witnesses. The history of the chaste Susanna sets this in the clearest light. The parties suspected were not permitted to swear, though that excellent woman's life lay at stake. If we take the divine precept for our guide, God himself condescends to interfere in our favour, as in this case. Daniel's prudence baffled their craft and wickedness. When any one was capitally convicted through the intrigues of false witnesses, they were to be first in putting him to death, with these words, *It is thy wickedness has brought thee to this end, and not we*; and then they were followed by all the people. Accordingly we read, Acts xvii. that at the stoning of Stephen, the false witnesses threw the first stone. Is truth more effectually brought to light by our jurisprudence? Experience plainly shews the contrary. Judges are misled by the oaths of malicious or suborned wretches, and these often give only an appearance of improbability or probability to the matter as will best serve the turn: and how can he pronounce a right sentence on such evidence? However, according to such evidence it is that sentence must be pronounced.

SECTION LXXIX.

BUT why is not the declaration of an honest conscientious man to be admitted as a proof in law ; every one being, by the law of nature, intitled to belief, whilst he has not brought himself under suspicion by breach of trust or fraud ? Truth and credit depend rather on the temper and condition of the witness, than on any oath. An able judge will credit one person of known honour, sooner than ten knights of the post. And, unquestionably, were the divine jurisprudence to be adopted, much better would the end be answered : for from experience it is manifest, that he who is not ashamed to lye before a judge, sitting as God's representative, will not stick at a false oath. With such the penalty is a stronger tie than the most terrible oath.

Among the Romans false witnesses were thrown down the Tarpeian rock, and the Jews punished them by the *jus talionis*. And punishing them with restitution, banishment, or imprisonment, would be a more effectual check to all false witnessing, than putting the issue on an oath ; especially, as it is come to set so easy on people

ple, and the consequences not very bad; for when falsity and perjury are proved as clear as the sun at mid-day, yet seldom or never are they punished, or at least not according to their demerits. The celebrated Stryk in his *Dissert. de Process. abbreviandis per poenam mendacii* mentions it as a very great defect that lies tending to perpetuate processes are not sufficiently punished.

SECTION LXXX.

An oath
should not
be so easily
allowed.

ANOTHER abuse which stands in need of correction is the issue's being too easily referred to the defendant's conscience, who thus clears himself by his simple oath: this should with much caution be allowed in one of a suspected character, more especially if the matter be of importance, and no other way to come at the truth, that he may not wrong his conscience in so terrible a manner, and lest the sacredness of an oath be impaired and brought into contempt. And if many circumstances concur to render the defendant suspected, yet would it be better that the judge had an extraordinary power to punish such a one: for, in matters of concern, scarce one of a thousand has such an awe of an oath as to confess

confess the truth. I am mightily pleased with the decree of the faculty of Halle, which in such cases advises the following sentence : That the party accused on suspicions, if they be very strong, shall pay so many dollars, or suffer imprisonment for such a time, unless he can and will clear himself by oath. Here tender consciences are left to their option ; but one circumstance that appears to have promoted the excessive use of oaths, is that they serve as a cushion for indolence. It is not every judge who is able, or will take the trouble closely to examine every circumstance ; and this sword at once cuts the knot asunder, without the trouble of loosening it. But what comes within the convenience or advantage of magistrates belongs to *reason of state*, and consequently is not easily amended.

SECTION LXXXI.

GROTIUS being thoroughly acquainted with the nature of government, clearly seeing the unavoidable multitude of perjuries, and being deeply concerned for the terrible curses annexed to oaths, and withal of such extraordinary learning, penetration, devotion,

Abuse in respectable assemblies.

tion, and philanthropy, construes our Saviour's prohibition relatively to promissory oaths agreeably to their plain literal meaning. By the explanation in our form of an oath the great stone of offence is removed, especially as Christ absolutely forbids all cursing both in promissory and affirmative oaths; on this account, that we are not able to make a hair white or black. All that scripture and reason allow a Christian herein, amounts to no more than this: that in important cases of necessity for discovering the truth, and as an assurance of our integrity and the uprightness of our intentions, we may invoke the omniscient God as a witness; but not call on God to avenge on us any failures in the duties we have sworn to.

SECTION LXXXII.

At elections with regard to the electors.

THIS being plainly proved, how is that custom of swearing at elections to choose only such persons who have the country's welfare at heart, to be excused? Why not rather abide, in general, by Moses's pattern, from which these duties are borrowed? Being sensible of human weakness, he has only enjoined, and not strengthened

ened his injunction with any imprecatory oath. But supposing a reflective conscience was for observing this order, where will he find a political pair of scales to weigh the merit of the parties? One he knows only by the specious side, and the other is under an evil predicament. Of course the latter he will reject, and promote the former; whereas could he have previously weighed the merit of both, he would have preferred the latter, as fitter for the office. There is no man so depraved but on some certain occasion may have behaved well; and none so virtuous as not to be chargeable with some crime or misbehaviour. The word *worthy*, which it seems is not to be weighed, means no more here than that any one may be chosen who is not a profligate or an idiot. It must be a desperate case, indeed, when a person is so far void of merit, as to be incapable of succeeding the place of this or that member in the political body. Even negative merit has some weight, which often recommends a man in numerous assemblies.

SECTION LXXXIII.

Relatively
to the
electors.

THAT man can presume to swear, *without any revenge, envy, hatred, ill-will, or fraud*, is unaccountable. Amidst all the reverence due to the gods of Israel, nobody could ever persuade himself that their exalted dignities freed their nature from earthly infirmities, and from men raised them to be angels. Yet must this be granted to impose with any reason a form of swearing, in which the passions appertaining to the frame of the human soul must be declared to be set aside and excluded. At this rate, is the oath made for man's sake, or man for the sake of the oath? Is it not against the whole bent of nature that I shall not promote the advancement of one for whom I have the highest esteem? No wonder, indeed, that the end of such injudicious oaths is not obtained; for from man nothing above man is to be expected. The experience of all ages manifests that we will, as far as possible, assist in preferring those we love preferably to others; and this the disciples of Hobbs, with all their subtilties, will never be able to invalidate, nor to excuse the temerity of such an oath.

oath. The exceptions to many other oaths, which rulers have imposed on themselves, we shall forbear. This instance may be sufficient for inciting rulers to take in hand the limitation of oaths, as a thing absolutely necessary, and thus deliver themselves from such galling fetters. For it should be well observed, that in republican governments the rulers have sworn to, and consequently are bound to, all the duties of subjects (then certainly subjects they are) and over and above to all the duties of rulers. This two-fold relation to the state should prompt them to extirpate this infernal custom, this source of so many perjuries, with which their dear country is over-run.

SECTION LXXXIV.

HITHERTO we have shewn the purposes for which swearing was introduced, and what were the original sources of it; namely, pride, tyranny, insatiable ambition, avarice, neglect of all duties, hypocrisy, ingratitude, sloth, and dullness. It has farther been shewed by what men it was countenanced and propagated, such as were scandals to human nature, a Nero, a Caligula, Domitian; or stains to the Christian religion,

Recapitulation.

religion, a Hunric, a Sisenand, an Alexander III. an Innocent III. a Boniface VII. and VIII. a Gregory IX. as likewise the fathers of the fourth council of Toledo, with their violent imprecations, though most of these wronged their conscience, from a dread of the king, or corrupted by his money, when, at the same time, the people firmly adhered to Christ's plain command, and threw out the proposed oath; likewise what artifices were used to reconcile the laity to an oath, and to varnish this execrable imposition with a shew of devotion, that at length the oath came to be accounted both equally sacred and useful, and enjoined by God as a moral command.

It has been shewn how in the ages of darkness and ignorance swearing came into universal vogue; innumerable oaths were contrived, invested with awful solemnities, and yet no better observance of the duties sworn to; or rather at no time was there so open a profligacy of manners and violation of oaths.

It has been shewn that the annexing imprecations to oaths cannot be maintained either from the principles of government, reason, or scripture, and that it is not in the least to be palliated by the examples of
saints,

saints, and far-fetched wrestings of holy writ.

It has been shewn that this unhallowed device is productive of nothing but perjury; that many kingdoms subsist and flourish without any such thing; and subjects are bridled only by a proper execution of the laws. Thus power, which is the sword God has put into the hands of rulers, is the true mean for attaining the ends of government.

It has been shewn that this unhallowed device is but a mere notion, a prejudice, a wrong custom, sprung up in the times of darkness, and kept up only for bad purposes. Now were rulers, as guardians of the divine laws, to interpose their authority against any profanations of the name of God, whose deputies they are, their wisdom would direct them to break in pieces this galling chain, and to form such oaths as might be taken and kept with a safe conscience. How would such a measure rejoice great numbers of sensible persons and intire well-wishers to their country! how would posterity bless the memory of such deliverers!

SECTION

SECTION LXXXV.

IF all those reasons cannot prevail for bringing oaths within due limitations, so that a wretched custom is become a second nature; it is a melancholy proof that swearing, like a fatal poison, has pervaded the whole body politic. Some, with all kinds of sophistry, spin an oath into so fine a thread, as totally destroys or at least weakens its obligatory power, all the while conceiting that they have hit on its true import; while in others the amazing number of perjuries stupifies all sensations of the guilt; and this soon brings on such a state of obduracy, that great as the crime is, little or no notice is taken of it.

SECTION LXXXVI.

Of the RELIGIOUS OATHS.

EUTYCHUS, patriarch of Alexandria, without any other authority than barely an uncertain tradition, will have it that the patriarch Seth in his last moments made all his descendants swear by the blood of Abel, that they would not quit that holy mountain
which

which he had chosen for his dwelling, nor deliver it up to the descendants of the accursed Cain. But the great uncertainty of this appears at first sight.

Euphemius, patriarch of Constantinople, refused crowning a Grecian emperor (Anastasius) till he had promised in writing and upon oath to maintain the purity of the faith, *Evagr. l. 3. c. 32.* But what this was appears from *Theodoret's Lector. l. 2.* namely, to assent to and protect the decree of the council of Chalcedon. Anastasius, though he had the best right to the crown, being suspected of Eutychism, could not promise himself any quiet on the throne without keeping in with the patriarch, and swore according to his prescription. But he was no sooner warm on the throne, than he sent Euphemius into exile, and, notwithstanding his oath, openly sided with the sect of the Acephali. From this spring flow all the oaths which to this day are taken by princes at their coronation; and at the instigation of this patriarch the emperor made a law that all bishops should be sworn, whereas before, a bare confession of faith sufficed for their enthronement. But it was not till many years after, of which

The first religious oath, anno 489.

which we shall speak in the sequel, and from quite other views, that such an oath came to obtain its full force; though as to emperors and kings, the oath was inseparable from their coronation. By religion in those times was meant no more than to defend the canons, which yet were much fuller of cursings than blessings. The clergy apprehended that princes might institute other forms less adapted to the dignity, doctrine, and lives of the ecclesiastics. The people were for a long time excused from any oath; but the princes were strictly bound to it, their power being necessary to the ecclesiastics, for enforcing the decrees of councils, and punishing the contumacious: and well has Thomas Aquinas said, *Principes nil nisi brachia cleri fuisse.*

SECTION LXXXVII.

IN the eighth century prelates were likewise obliged to take this oath; but Gregory II. thought proper to add to preserving *the purity of the faith* this short but very significant clause, *likewise fidelity and obedience.* Fidelity and obedience to whom? To Christ? No, his kingdom being not of this world, but to Peter's vicegerent, to whom

whom his sword descended by inheritance; and Boniface, the German apostle, appears to have been the first who took this oath. *Baron. Annal. ad annum 723.*

SECTION LXXXVIII.

THE Roman court at first met with a ^{Meets with op-} general opposition to this oath, except position. among its most implicit votaries. Others looked on it as utterly unnecessary to those who by their calling were peculiarly obliged to preach the faith. A Polish archbishop, even in the twelfth century, spoke vehemently against this oath, as an unjustifiable innovation, and contrary to the canons; nay, wrote to the see of Rome, that this oath could neither be imposed nor taken with a safe conscience. The holy pontiff Paschal II. found means to disperse this Polish scruple; saying, in his answer to the archbishop, “ To be sure, as our Saviour
 “ says, whatever is beyond cometh from
 “ evil; but that very evil, as permitted by
 “ Christ, is what constrains us to require
 “ that amplius, or that which is beyond;
 “ or, pray tell me, does not a departure from
 “ the unity of the Churches, and from the
 “ obedience due to the sacred see of Rome,
 “ come

“*come from evil?*” Lit. Pasch. ex Collect.
Conc. Cameralis.

Who cannot but admire such a happy solution of religious scruples? If any still remain, the *Pallium* will be large enough to cover them all: for the curious manufacture of making the costly *Palliums* all of lambs-wool having been set up at Rome, and to be had in no other part of the universe, all opposition to this oath was obliged to submit, especially as afterwards that usurping see had, by means of the *concordata*, extorted the power of collating bishops in Germany, France, and Spain. The protection and favour of the Roman see being now the surest way to preferment, the clergy dropped their opposition to the oath of obedience. This oath Gregory VII. drew up with such circumspection, that little mention is made of the catholic faith. The sum of all the duties is a quiet obedience to the Romish see, without troubling one's self with any thing farther.

SECTION

SECTION LXXXIX.

AT length this fervile oath came to be imposed on the laity ; but it was at a time of such deplorable ignorance, that among the young people very few could say the Lord's prayer, and as few amongst those advanced in years knew any more of the Creed.

The laity
obliged to
take it,
1129.

The council of Toulouse in the year 1129 enacted, that all males, from twelve years and upwards, should abjure whatever was contrary to the holy Roman church and the orthodox faith ; likewise should believe and adhere to the Catholic faith, as believed and taught by the Romish church, and, to the utmost of their power, should discourage and prosecute all heretics. By this senseless oath did the poor laity bind themselves to such duties as could not so much as be enjoined. They were to believe what they did not understand ; nor were they to examine, in order to understand : for as to what the Church believed, they knew little or nothing of it ; so closely was the light of the Gospel hidden under the bushel of superstition, and the ordinances of men, that scarce a single ray of its light shewed itself.

itself. By this oath the essence of the Christian faith was exploded, human ordinances were made articles of faith, freedom of conscience extirpated, and religion, which is to be propagated not by compulsion but persuasion, totally extinguished. According to Lactantius, *Nil tam voluntarium quam religio*. Peter's vicegerents could not reconcile themselves to the antiquated example of Christ and his apostles, to declare the word with mildness, and to proceed in the demonstration of the power of the Spirit; fire and sword were to be the instruments for converting souls, and an oath for keeping them in their state of conversion, though in the whole deportment and doctrine of Christ there is not any thing that in the least looks that way.

Retained
at the re-
formation

The reformation of the Church being now become necessary, has greatly contributed to the propagation of this oath. For the council of Trent having made a decree (though it never was put into full force, being afterwards limited to ecclesiastics) that all catholics should swear to the canons, and continue in faithful obedience to the see of Rome; (Father Paul's council of Trent, sess. 24. c. 12.) so, on the other hand, the partizans of the Augs-
burg

burg confession, after several meetings at Brunswic, unanimously agreed that all princes, counts, barons, towns, and subjects should swear that, to the utmost of their power, they would promote the truth which they professed, and stedfastly continue in it. This amidst so many changes in the sovereignty of cities, and the artful machinations of their enemies, was thought the best way for supporting the reformation, which had been introduced: this was the motive of Luther's zeal for retaining the oath, *Thom. Hist.* not considering that though so vehement against the Roman papacy, he was thereby setting up a petty pope in himself. *Forms, confessions, and catechisms* superseded canons, acts, and decrees of councils, and were imposed as rules of faith; and both clergy and laity were, with no less strictness, sworn to the maintenance of these new ordinances. To this, as Seckendorf justly concludes, it is owing that in most parts of Germany the clergy and laity swear to adhere to and support these forms. But that this *unblessed* expedient has done more harm than good, and stirred up controversies innumerable, may be seen at large in Sleidan and Seckendorf, and especially

in Arnold's excellent Ecclesiastical History. Now whether this *oath of religion*, as it is stiled, has its warrant in Scripture (for by that alone are we to be guided) we shall, to the best of our abilities, impartially examine.

SECTION XC.

Scope of
the oath of
religion.

THE scope of this oath is said to be, *the true welfare of the Church*; as if the welfare of the Church was to be supported and promoted by an oath. It is alleged, that as, by the apostle's rule, every thing in the Church is to be done decently and in order, 1 Cor. xiv. it was necessary that certain ordinances, laws, and forms be assented to and observed by the members; and this is the very source from which have flowed all creeds, confessions, canons, &c. which by degrees, though quite contrary to their nature, have obtained the force of laws; and to the maintenance of them all the members of the Church are sworn.

SECTION

S E C T I O N XCI.

BUT it is worth notice, that under Remark. Constantine the Great the Church was in some measure moulded into a political form, and thus looked on as other civil communities, whose real welfare indeed consists in outward tranquility; and this is not to be obtained but by wholesome laws, with penalties annexed, as compulsive means. But the Church stands on a quite different footing; it is contrary to its nature that the true end of it should be obtained by such compulsory means; again, its true welfare does not consist in outward tranquility. *Confessions, canons, &c.* may be so far commendable and beneficial as to produce an external union, and to point out the way to a real unity in faith and spirit; but where this is not the motive, all external union signifies no more than the screwing on a wooden arm to a living man's shoulder.

SECTION XCII.

Another
observa-
tion.

ACCORDING to this motive are all confessions and forms to be considered; and the view of them must be that mentioned by the apostle, *that the whole body may be built up in the true unity of the Spirit*. He does not say, that outward tranquility may be obtained and established; as the true unity in Spirit, which is the true prosperity of the Church, may subsist without such tranquility. History informs us, that never did the Church of God flourish so greatly as under the pressures of the cross, when none of these forms and canons and confessions were in being. The Gospel was preached with no less truth and energy in caves and deserts than in the superb cathedral of St. Peter's at Rome. Not less fervently was *Te deum* sung by shepherds in the field than in our churches, when accompanied by the solemn organ, and the trumpet's elevating clangor. The real unity of the Spirit, I may say, was better established by persecutions and dispersions than by any ecclesiastical constitutions, decrees, canons, &c. to which so many oaths have been added, for
the

the better consolidation of the Church's political constitution ; but to the true members of the Church they are of no more use than a bandage for binding a sound limb to the body ; and with regard to false members, they may be compared to the fastening a putrified limb to a sound body.

S E C T I O N XCIII.

BUT great prudence is required to draw up such forms as shall prevent not only all confusion, but likewise all superstition ; the nature of man being such as to lay a considerable stress on externals, and forget the essence of religion ; and ordinances calculated for the advancement of true piety they pervert to the worship of idols. The experience of all times has shewn that the very best intentions have been abused to superstition. The plainer, the shorter, these forms, the better ; and whenever they come to be abused, let them be altered, or totally abolished, as Hezekiah broke in pieces the brazen serpent, though an illustrious memorial of Israel's wonderful deliverance. Who sees not the great danger of imposing such forms with an oath, as it has been and still is productive of the greatest mis-

Necessary
caution.

chiefs to the Church, which in no times since such imposition is known to have enjoyed even an outward tranquility?

SECTION XCIV.

Nature
and abuses
of it.

THE more the Church departed from its primitive simplicity, and affected worldly grandeur, the more its constitution deviated into a political system. The priests began to hold diets or meetings, dignified with the appellation of councils: they enjoined confessions of faith, as nerves for connecting the Church's lifeless body: they made canons as laws, though of quite a different nature from laws; the latter being chiefly intended for the licentious and immoral, whereas the former bound only those who had freely assented to them. Their office, indeed, impowered them to make such canons; and with this power the negligence of the Church had tacitly invested them, yet without any prejudice to true believers, as thus they would forego their privilege in the new covenant *to prove all things*. But the holy fathers accounting their stalls so many tribunals, soon got the ascendant over princes, so that they seconded the ecclesiastical acts as divine precepts, erecting them

into

into laws, strengthening them with penalties, and ordering that an oath should be taken to observe them; and not only the people, but the very princes bowed their neck to such a yoke. In these diets they were not unmindful of promoting *their own* welfare, as if in that consisted the Church's weal. They remembered the apostle's saying, *that they which sow in spiritual things, ought to reap temporal things.* This is the very foundation of the Vatican: under an increase of power, and the imposition of oaths, is Antichrist grown up to his present enormous bulk. Let us not deceive ourselves; the man of perdition, Antichrist, is to be found in all places. Whoever makes himself judge over his brother, forcibly obtrudes on him his own imaginations, and thus sets up himself in God's temple, usurps Christ's prerogative, burthens consciences with terrible oaths, for the sake of human edicts, and persecutes the true disciples, the living members of the Church; such a one, whether pope or king, sovereign or magistrate, clergy or layman, is Antichrist. Many popes were men of parts, consideration, and piety; and there have been many

Who Antichrist.

worthless country parsons great Antichrists in a small sphere.

S E C T I O N XCV.

Their bitter fruits.

BUT the bond of faith and the spirit of life being wanting, all their bustle and craft miscarried ; all their constitutions and ordinances could not procure them so much as outward tranquillity. Of this we have a clear instance in the first council of Nice, which was convened on Arius's account. Constantine the Great owed great obligations to the clergy ; it was they who had settled him on the throne. But the condemning of Arius's doctrine, and the instituting confessions of faith and rules of discipline, did not satisfy the fathers ; they brought the emperor to pass an act, that every one who would not, in all things, conform to the declared meaning and intentions of the Church, should be severely punished. Now this was going beyond any Pagan prince ; nay, they persuaded the emperor, that all their transactions were to be looked on as those of God himself ; and the emperor accordingly strengthened the council's decrees with this formidable law, " That
" whoever

“ whoever concealed an Arian book, and
 “ did not publickly burn it, whoever em-
 “ braced that doctrine, whoever protected
 “ an Arian, or offered to plead for him in
 “ a court of justice, should immediately
 “ suffer death by the hands of the com-
 “ mon executioner.” Thus those hare-

brained shepherds, incapable of reclaiming strayed sheep by mildness and in the power of the Spirit, threw away the crook, and took in hand a rod, laying, to the irreparable damage of truth and of poor submissive souls, a restraint on the conscience, which nature itself abhors. But the consequence was answerable to such detestable means; for soon after, the erroneous sect of the Arians became more powerful than ever; they even wrought such a change in the emperor himself, that he repealed all the acts of the council, received the Arians into favour, banished Athanasius, and did inexpressible mischief to the Church. The Arians followed the example of the too precipitate orthodox, hewing them down on all sides with the same sword with which the latter had so furiously attacked them. Now this divine judgment should naturally have opened the clergy's eyes, had they not been utterly eaten

eaten up with an insatiable desire of lord-
 ing it over men's consciences ; which Paul,
 however, sets forth in very black colours,
 as the most dangerous heresy, and the very
 badge of Antichrist, who places himself in
 Christ's judgment-seat, assuming dominion
 over his brethren in matters of faith. Ex-
 perience has constantly proved, that since
 the establishment of such confessions and
 canons as a rule of faith, and to be sworn
 to, few or none have renounced their er-
 rors. The prevalent party puts a peremptory
 stop to all further examinations ; bound by
 the oath, they neither can nor will make
 any concession, nor allow the omission of
 a single syllable, could even the peace of
 the Church be restored by it : the soul is
 bound to the contrary. Concerning this
 abuse, may be consulted Spanheim's *Intro-*
duction to his Church History, and Ar-
 nold. To this imposition of rules of faith
 have been owing the clashings of councils,
 one protesting against another, the clergy
 in the mean time wantonly sporting with
 the imperial prerogative and revenue. See
 what Hilarius writes to the emperor on this
 head : *Cum semel novas fidei professiones con-*
suere cœperant, facta est fides temporum po-
tius quam evangeliorum ; admodum miserabile
est

est novas fidei formas singulis annis confici, & cum secundum unum baptisma fides una sit, excidimus ex illa fide quæ sola est. Tot nunc fides existunt quot voluntates. Post Nicæni conventus synodum nil aliud quam fides scribi certum est. Annuas atque menstruas de Deo fides decernimus, decretis pœnitemus, pœnitentes defendimus, defensas anathematizamus; & dum plures fiunt, ad id esse cœperunt, ne ulla sit.

SECTION XCVI.

IT could not be otherwise, when such men took upon them to lay down the saving doctrine of faith in words of their own, and to express the divine will more plainly than the divine Spirit. For if the pure doctrines of Christ can be perverted by wicked men, to countenance their corruptions, how much more the weak forms of men's invention! Of this modern times give an instance in the members of the famous council of Trent, who were not able to draw up the doctrine of a certainty of the state of grace so clearly, but that two of them, Dominicus Soto and Ambrosius Catharinus, who have wrote on that article, but quite oppositely, both dedicated their

Remarkable instance of what necessarily followed.

dissertations

dissertations to the council, each holding his opinion established by those divines. On which the ingenious father Paul observes, that the emissaries of the court of Rome were extremely perplexed, and every one wondered at the conduct of the Holy Ghost.

S E C T I O N XCVII.

The clergy's selfish views.

ALL these transactions, however, were so many steps to the exaltation of the clergy; whatever became of the true welfare of the Church, the worldly welfare of the bishops was promoted. All the labours of so many councils centered in this one point, to fix the clergy's unlimited power, and, under the colour of religion, to lay an insupportable yoke on the necks of the deluded people; and so far have they succeeded in this wicked work, as to make a trade of religion, turning the altar and confessional into a bank, the keys of the kingdom of Heaven into the keys of coffers, and the most sacred duties of religion into jobs more or less profitable. And these abuses, enormous as they are, are like to last, all ranks having sworn on their eternal salvation quietly to adhere to these rules; and

and should any one offer to arraign them, his zeal would cost him his life.

SECTION XCVIII.

BUT the reformation breaking out like the dawn amidst such Egyptian darknes, many errors became exposed, and many abuses suppressed : yet with regard to putting a force on conscience, much leaven was suffered to remain ; to which, as the learned Bohmere observes, the canon law, being retained almost every where, not a little contributed. Luther, indeed, was for a total abolition of it ; but the lawyers defended it as of great use for the regular course and speedy administration of justice, and that besides the courts of judicature being used to the canon law, it was not without many good and very commendable articles. The political circumstances of those times, particularly the retaining of the usual oath, as somewhat sacred, was another check to farther progress ; such being the nature of man, that what has struck its roots deep in him, as an important truth, is with great difficulty allowed to be a common error, and much less to be extirpated.

And not amended so much as could be wished.

SECTION XCIX.

Justly opposed.

THE reformers have justly objected to the Romish Church, that it laid too great a stress on *creeds*, &c. and even compelled people to swear to adhere to them; by which they became preposterously raised to a level with the laws, and to be a judicial sentence, determining all religious controversies, according to which, and not to the Gospel, every teacher must think and speak. All this is corroborated by a terrible oath, and punishments of the disobedient. Here it is instantly; *Devita, away with such a heretic to the flames*; whereas St. Paul by *devita* means no more than *avoid*.

SECTION C.

Nature of confession.

ALL these positions, however confirmed by the canon law, have been attacked and confuted in numberless writings. It is very justly pleaded, that confessions, forms, canons, &c. are not to be considered as laws, nor can be imposed; the nature of religious controversies being such as not to be determined *per viam sententiæ judicialis*, which belongs to God alone; but *per viam amicabilis*

amicabilis compositionis; that such confessions do not prove who is in the right, or who in the wrong, but only shews every one's opinion of the doctrine, and in what sense he understands it. Now he who would *freely* assent to such a confession, and receives it as a rule, gives it the force of a law with respect to himself; whereas in its very nature it is so far different from a law, that the law absolutely commands both the willing and unwilling, that the law is derived only from the supreme power; whereas *confessions* are no more than a rule recommended for assent and conformity, without commanding; and the source from which they flow is not the supreme power, but generally a power abusively assumed by the clergy.

SECTION CI.

These articles were at first generally received, being agreeable both to reason and Scripture. All *confessions*, &c. were at first drawn up with this meaning, and to this use. “ But to obtrude them as laws, favours strongly of the whore of Babylon, that woman (as the intrepid Luther openly says in his notes on Zachariah) “ that

Proved by
witnesses.

“ that woman sitting in a bushel, and
 “ casting forms, ordinances, and sym-
 “ bols on the oppressed consciences by
 “ bushels-full ; but Christ abhors all such
 “ false measures and wares. Concerning
 “ articles which *he himself*, in the year
 “ 1537, laid before the Protestant states at
 “ Schmalkeld, he says, that the end of
 “ his drawing them up, was, that on oc-
 “ casion they might, if required, lay be-
 “ fore the council a summary of their
 “ doctrine.” And how they afterwards
 came to be subscribed by the ministers as
 the Church’s confession of faith, Luther
 himself certifies ; “ *I have* avoided making
 “ the articles very numerous ; the precepts
 “ of God himself relative to the Church,
 “ our superiors and families, being as
 “ many as we can discharge with due ex-
 “ actness. To what purpose then multiply
 “ decrees and ordinances, especially when
 “ no regard is paid to these capital points
 “ of God’s own institution ? And these
 “ articles we are far from issuing as strict
 “ injunctions ; this would be reviving the
 “ Popish decretals, but only as a testi-
 “ mony and declaration of our belief.”
 Luther very well knew that in God’s word
 was to be found enough, both for faith and
 practice,

practice to a well-disposed heart ; and never had any such article as this come from his pen, could he have foreseen that it would be imposed as a rule of faith. To the same purpose speaks the famous Concordance-book. “ They are not judicial degrees, “ that is the prerogative of Scripture alone, “ but only testimonies and elucidations of “ the faith.” With this perfectly agrees the Helvetic confession of faith, as we shall see in the sequel. For a farther account of this matter, we refer to *Lebmani acta pac. Relig. l. i.*

SECTION CII.

BUT the old artifices soon came into play ; of the like stones with which that tower of Babel, demolished lately, was constructed, another has been built ; of those very chains which cost so much to break, others have been forged, but indeed on a different anvil. The Papo-Cæsaria was an abhorrence ; and what has been done ? The word is only inverted, and a Cæsaro-Papia has been imposed.

Why these
funda-
mentals
were de-
parted
from.

The invidious honour of framing laws and compulsory oaths to enforce religion, the nature of which is perfect freedom, has been left to princes and sovereigns, on a

N

supposition

supposition that, induced by this concession, they would the more zealously espouse and support a reformation. Those very motives, views, reasons, &c. which but a little before had been rejected as erroneous, unjustifiable, and pernicious, were now imposed as just, necessary, and beneficial: for Luther himself at length came to be for retaining the oath of religion. He apprehended that the annual changes of magistrates in the imperial cities, and the variable views of the princes, might impede the course of the reformation. Calvin entertained the like apprehensions; and the oath was judged to be a good fence against such accidents. Thus men, with all their endowments, however great, are always men; and perhaps never does their weakness more betray itself, than when they are for blending human policy with religion.

SECTION CIII.

Bad consequences
of it.

LET us now proceed to the mischiefs occasioned by the imposition of these forms. At first the *Loci communes* of the learned and moderate Melancthon were recommended as a very good book; but soon all candidates for holy orders were to subscribe to it

as

as a complete doctrine. Dissensions increasing, the synod held at Lichtenburg in 1576 determined, that besides the three creeds, the Augsburg confession, its defence, Luther's two catechisms, and the Smalcald articles, should be received as rules. The Concordance-book, composed by Dr. Schmiedli, was likewise established as a rule, and to be indispenfibly sworn to. Farther, some country ministers asking how this could be done with a safe conscience, having previously sworn to Melancthon's *Loci communes*, which in many places disagreed with the Concordance, Schmiedli made answer, that the assembly now absolved them *ipso facto* from all obligation of any former oath, and that Melancthon being under suspicion, they must rest satisfied, and swear again. A poor village parson took the liberty to reply, "Conscience should not be laid under
 " restraint ; but we poor people, having fa-
 " milies to maintain, must take care not to
 " be turned out of our livings." On this occasion they seemed to have remembered the behaviour of the popes concerning such oaths, how after binding the people strictly to adhere to those laws, soon, in virtue of their pretended power, they discharged them from any obligation ; no otherwise did Schmiedli

and two other professors, by means of a prince whom they had infatuated, procure, to the great scandal of the German Churches, an authority in matters of faith for establishing that book, which the whole Roman clergy could not obtain for their elaborate forms.

S E C T I O N CIV.

Farther
evidences
of it.

THE unreasonableness of these subscriptions and oaths farther appears from the many reservations in the subscribers. One subscribed in *general*; others *summarily, fundamentally, only to the preamble, only to this or that article conditionally; excepting the controverted points, with reservation of better knowledge, as a catechumen*; others ambiguously; *According to my approbation of the foregoing articles I subscribe them*; others not *critice* but only *categorice*, not entering into particulars. All these exceptions are a plain demonstration of aggrieved consciences, who were for healing their wounds with this sort of plaisters. When at length, with great labour and more sinister practices, eight thousand signatures had been extorted, and they boasted that this inestimable book had been accepted by eight thousand

thousand divines, though among this number were not a few country schoolmasters and parsons of small villages, all proved ineffectual: so far were these devices from settling the concord and tranquility of the Church, that all parts swarmed with *lampoons, satires, confutations, reflections, and admonitions*; the former by private persons, and the latter even by Lutheran faculties, synods, and communities, besides pieces of the like nature published in England, France, Holland, Switzerland, the Palatinate, and elsewhere. Augustus elector of Saxony, under whose wings this book had been hatched, at length became so ashamed both of it and the Cæsaro-Papia, that he signified to Schmiedli never more to shew his face in his dominions; and the king of Denmark, to whom his sister the electress had sent a copy of this noted, I will not say celebrated, book, bound in crimson velvet, ornamented with gold and silver, and even gems, committed it to the flames with his own hand.

SECTION CV.

History of
the Hel-
vetic con-
fession.

THOUGH to expose our own faults be a disagreeable employment, yet regard for truth obliges me not to conceal what has happened among us. The laborious Hottinger, in his History of the Church of Switzerland, *R. iii. L. vii. p. 894*, gives us the following account: “ Mr. Bullinger
“ had already in 1562 committed to paper
“ a brief summary of the doctrines which
“ he had preached and likewise recom-
“ mended in writing during his life-time,
“ that, on his decease, his family might lay
“ it before the magistracy, as a testimony
“ of his firm adherence to the doctrine he
“ professed; it was likewise read and ap-
“ proved of by Peter Martyr. Being in
“ 1564 seized with the pestilence, which
“ at that time made a deplorable havock, so
“ that his recovery was very doubtful, he
“ inserted a direction to that purpose in his
“ will; but at the earnest prayer of his
“ flock, God was pleased to restore him;
“ and, by a farther gracious providence,
“ this confession of faith was made public,
“ to the great edification of the Church.
“ Several calumnies having been spread
“ abroad,

“ abroad, the Churches of Switzerland and
 “ Geneva judged it expedient to make
 “ known the purity and holiness of their
 “ doctrine in an explicit confession of
 “ faith : that pious prince Frederic III.
 “ elector-palatine, likewise desired Bul-
 “ linger to publish this excellent confession
 “ both in German and Latin : for the
 “ elector being threatened with the ban of
 “ the empire at the next diet, on account
 “ of his singular opinions, was desirous
 “ that this confession of faith should be
 “ printed, as an evidence that he had no
 “ singular opinions ; but that all his senti-
 “ ments were perfectly conformable to
 “ those of the Protestant Churches. After
 “ mature deliberation, the ecclesiastics at
 “ Zurich, Bern, and Geneva thought it
 “ proper that the other Churches in Switz-
 “ erland should publish this confession of
 “ faith in their name. With these joined
 “ Pundten, St. Gall, Biel, Muhl, Han-
 “ sen, Neuenburg, Schafhausen ; and in
 “ 1644 Basil, Glarus, and Appenzel had
 “ their names inserted in it ; nay, such
 “ was the reputation of this confession of
 “ faith, that the Churches in Scotland,
 “ Hungary, Poland, and France sent for-
 “ mal letters to be admitted into the asso-

ciation. But it was thought better that
 “such numerous communities should have
 “their respective confessions.”

S E C T I O N C V I.

Commen-
 dation of
 it.

THE Helvetic confession is highly valuable, as a noble memorial of the faith and knowledge of those crepuscular times; and that it beams with the irradiation of heavenly wisdom equal to that of Augsburg, or any other confession of faith, is incontestible. But is not the setting it up as a rule, and imposing it as a law, with terrible oaths, running into the same error as the Romanists, and justifying the idolatry of the Israelites in worshipping calves, lest the people might again disperse and go astray; as if the constitution of the Church could not subsist without those types and emblems? Such confessions of faith, it seems, must be set up as infallible rules of faith. What is this but renewing Israel's dance in honour of the idolized calves?

S E C T I O N

SECTION CVII.

IT is however to be observed, that in ^{Some ex-} this justly extolled confession two points ^{ceptions} were inserted as articles of faith; eternal election and the sacrament of the Lord's supper, of which the ancient confessions, wherein salvation was also obtainable, make not the least mention. These two points have long been disputed with implacable animosity; and the wounds occasioned by the unchristian virulence of these contests are now rendered utterly incurable, by the subsequent imposition of new-fangled forms. The oaths accompanying them, wrestings of words, equivocations, disguises, distinctions, do not conceal the violence put on conscience; the flimsy evasions are easily seen through, and every sensible Christian must allow that such oaths rob the divine word of its due honour; and the word of man is substituted as the infallible oracle, according to which every teacher is to explain and teach the word of God. If there be any need of swearing, why is it not the holy Scripture that is sworn to? Then there soon would be a change, indeed, both in words and works: then, on the tolling
of

of the town-house bell, a hateful chain, which a little before had been thrown away with detestation, would be chearfully put on again as a reputable tie.

SECTION CVIII.

What properly is sworn.

MOST of these oaths owe their institution to a precipitate zeal for religion, and are couched in such severe words, that when the commotions of the state come to subside, and the contents are quietly submitted to, scarce will any body undertake to justify the rigour of the literal sense of such oaths. The *magistrates* of all republics in general are sworn to defend the religion contained in the books of creeds; the *clergy* swear faithfully to teach it; the *subjects* to adhere to such doctrine, and all of them universally quietly to continue in it. The last is the more agreeable, many being quite tired of examining; this oath presupposes the party swearing to be clearly convinced of every single truth contained in the creeds and confessions of faith; for how can he, who neither knows nor believes these truths, bind himself by oath to adhere to and defend them against all contrary innovations? This would be engaging to protect

protect error : a most flagitious oath, and by its very nature invalid. On the persuasion, that after diligent and laborious enquiry the truth had been found, was this oath introduced ; and to secure the stability of such a valuable acquisition, this additional bond has been added. Let us now see whether this be a sure foundation for such a superstructure.

S E C T I O N C I X.

WHEN at the time of the reformation the infallibility not only of the see of Rome, but likewise of the councils was denied, the grounds of doctrine were examined into ; an examination not only allowable but recommended by the apostle, *Prove all things*. Does this injunction concern only the believers of those times? Have the reformers alone inherited an exclusive right of inquiry? Have their followers no claim to it? Is it to be supposed, that we having exploded the gift of infallibility, and of celebrated councils, it has insinuated itself into our diets, and meetings of corporations? Binding ourselves by oath to maintain our established doctrines against all other opinions, is attributing to the compilers

Not approved of.

pillers the same infallibility as the Romish Church does to its councils. That this gift of infallibility is no longer to be found, nay, is no longer necessary, may be proved unanswerably. In this oath, however, we act as if we were in possession of that gift, not considering that were it really so, we might easily state the truths contained in our creeds and confessions of faith in so clear a light, as to carry their proof with them, and they might stand for ever, universally acknowledged and assented to, without the support of an oath.

SECTION CX.

Unrea-
sonable-
ness of
them
farther
shewed.

BUT allowing that these symbols appeared infallible to our forefathers, and they in consequence gave full assent to them, those very same symbols must surely appear equally so to us, before we can rationally, I will not say swear that we will adhere to them, but so much as promise our assent to them; it being a clear case with all reflective persons, that truths can be investigated by the understanding only, according to the degree of its perspicacity. For as one swears this cloth to be blue, but when it is placed in a clearer light, and he
then

then perceives it to be really green, he will likewise believe it to be green, should he have sworn over and over that it was blue. How then can rulers and subjects swear to such truths, most of which they have not sufficiently examined, or perhaps not at all; and if they have, did not understand them; and if they did understand them, did not believe them; and if they did believe them, how can they be certain that they shall not come to know better, and consequently have other thoughts? Is then so tremendous an oath to be taken to those truths as an unalterable rule of faith? This has produced in many a very impious inference: since we must swear to so many articles, and to examine them would take up our whole life, which we can turn to better account, the best way is to swallow them without any examination at all.

S E C T I O N CXI.

BUT it is farther to be observed, that the Helvetic confession was originally meant by our forefathers only as a *testimonial*, and not a *rule*; and the end of so public a testimony was to clear themselves from the reproach of heresy. And they were not so unalterably

By the very confession.

unalterably persuaded of the truths therein contained as certain and infallible doctrines, else they would not have added : “ If any
 “ one can from the word of God put us
 “ into a better way, we are, under the
 “ Lord’s guidance, open to conviction,
 “ and will readily defer to him.” They, according to the prophet’s promise, expected still better times ; an increase of knowledge, a clearer light, an effusion of the gifts of the Holy Ghost. They very prudently did not set up to have received all the gifts from that fountain of living waters which will never be dried up ; whereas, according to the constitution we have sworn to, a growth in knowledge is to be dreaded as hurtful. What else can be meant by so *quietly adhering* to that constitution ?

S E C T I O N CXII.

By the nature of laws,

HEREBY the very nature of our symbolical books is altered ; they are imposed as laws, though they cannot be an object of laws ; for all human laws relate to the *agenda*, and not to the *credenda* : they direct the occupations of men, and their transactions with one another,

other, and not their conceptions and opinions; they take cognizance of externals, and not internals. To order that the heavenly truths shall be understood according to this or that system, is equally absurd and tyrannical. The ken of the most penetrating is but of small extent; and as the eye stands in need of sight to discern an object, so even the most clear-sighted stand in need of the light of the Holy Ghost; which is a gift independent of any power of ours.

SECTION CXIII.

DO not princes take too much upon By the in-
compe-
tency of
rulers. them, in binding themselves and their subjects by oaths to such rules of faith? as having never received the key for opening hearts, Acts ii. this belongs to God alone. The emperor Maximilian II. calls this intrusive power a pest, a horrible villainy, an insolent invasion of God's sovereignty. Might not our Saviour, had he approved of oaths, with much better reasons have appointed that his heavenly doctrines should be sworn to, as laid down with such method and perspicuity? In a free city it must be allowed that the subjects never
made

made a surrender of their ideas and sentiments to the magistrates : it is not in their power to be guilty of such a monstrous abasement. To imagine the contrary, is a brutish stupidity. It is evident from reason and the nature of government, that rulers have no other power than what relates to the temporal welfare and tranquility of the state. A popular administration will indeed find no difficulty in leading the people like a flock, yet will they not be driven, nor in religious matters any farther close with the prescribed ordinances and rules than as they believe them to be right.

SECTION CXIV.

No instance
thereof
in the
Gospel.

WHY did not our Saviour swear his disciples on commissioning them to propagate his doctrines ? Who will offer to say, that Christ, who founded religion in his own blood, was not infinitely more concerned for its purity and propagation than any magistrate, ruler, or sovereign ? Yet no religious oath did he prescribe ; thereby giving us to understand that at the last day it is not so much according to our opinions as our actions that he will judge us. From him we know that a *free* assent is essential
to

to religion. God requires the heart ; and the imposition of forms and rules is subversive of religion. Excellently is it said by Tertul-
 lian, *Humani juris ac potestatis naturalis est, unicuique quod putaverit, colere. Nec alii obest, aut prodest alterius religio. Sed nec religionis est cogere religionem, quæ sponte suscipi debeat, non, vi, cum et hostiæ ab animo libenti expostulentur.* This is likewise beautifully discussed by the celebrated Noodt, in his *Dissert. de Relig. ab imp. jure gentium libera.*

SECTION CXV.

THIS oath must necessarily prevent a blind implicit faith, which our Helvetic confession justly treats with contempt. For if our ideas of divine truths must be modelled according to this confession, to what purpose do we busy ourselves in enquiries after truths? The professors in universities must compose their lectures and explain the holy Scripture according to this rule ; and thus Scripture, the original rule, is degraded, and made subject to human positions ; and such explanations the scholars must embrace as irrefragably orthodox : truth or falsehood, light or darkness, must be sought

The Scrip-
 tures must
 say as we
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for in geography. What is true on this side of the mountain on the other side is false ; they are not to use their own eyes, or distinguish with their own judgment. Their professor, and he must not be contradicted, tells them what is white or black, their own eyes are quite out of the question ; like Israel of old, they must depend on the lips of their priests, though Jesus has graciously eased the believers of the New Testament from such a yoke, and, if our sloth will allow us to prove all things, has promised that we shall have an unction from above which will teach us all things, and lead us into truth. That great English luminary Locke brings in the count de Grammont talking in this manner : “ Why would ye
 “ have me prove every thing, and hold fast
 “ that which is good ? Rather give me a
 “ list of the doctrines, which you believe
 “ to be contained in that sacred book.
 “ Why am I to hunt for them in the holy
 “ Scriptures, where, after all, perhaps I shall
 “ not meet with them ; since I am equally
 “ obliged to believe them, find them or
 “ not ?” Believed they absolutely must be ; and such a proceeding cannot clear itself from the charge of force : for if any one entertains scruples, and cannot bring him-
 self

self to swear to all in the lump, some particulars, not very far from fundamentals, not appearing to him in full evidence, all he has to do is to bury his talent, especially in republican governments, where such a conscientious refusal to swear excludes him from any preferment, though unexceptionably capable of doing very good services either in church or state; at least much better than those ready swearers, who have no other merit than laying their reason and conscience at the feet of form and custom, little minding what and to what they swear. To have more conscience than the common standard is not allowed. Now to a man of spirit what can be a greater heart-breaking than to see himself rejected as an useless member? If this be not compulsion and force, words have lost their proper import.

S E C T I O N CXVI.

BUT a conformist, unless his con-^{To no}
science be doubly feared, will never bring ^{purpose.}
himself to teach principles which he in
his own heart judges to be erroneous.
An ecclesiastic with any sense of reli-
gion accounts himself bound to preach

only the truth. But if bound by oath to teach that which he cannot own as a truth, he immediately concludes, and not amiss, that an oath can be no bond of iniquity. And what course then does he take? All points of doctrine which he cannot digest he omits, and those which cannot be intirely omitted he disguises in such high-flown and equivocal phraseology, that his hearers shall admire his erudition, though they do not understand him; or, pretending that doctrines are too sublime for common capacities, he deals only in morality, and this so superficially, wanting the solid foundation of faith, that it is the same thing whether he took his text from St. Paul's or Tully's epistles. But is this teaching the Helvetic confession agreeably to the oath? And that the end of this oath is very far from being answered by these impositions and subterfuges, the frequent religious combustions do too evidently evince. But we shall not open the wounds of our bleeding country; an apostolical teacher, however, goes on his way, keeps to his master's instructions, like the blessed reformers, who little troubled themselves about being exclaimed against as perjured; sensible that the transgressing this irrational oath would do more good,

good, promote truth, and explode superstition, more than the strictest adherence to its literal import.

S E C T I O N CXVII.

BUT this absurd religious oath is pregnant with a still greater evil, not only as ^{The greatest evil.} precluding all access to those glorious truths promised us in the last times; it is farther a terrible incentive to tread under foot the most sacred duties of religion, and under the pretence of religion, to commit the most crying iniquities, and most unnatural barbarities. It is used by the great as a mantle to cover every wicked view, and palliate their crimes, just as if they did God particular service thereby. Under this pretence it was that the Jews, after putting our Saviour to death in so horrible a manner, pleaded their having sworn to maintain their religion. This is the poisonous spring from which soon gushed out that torrent of evils, which have filled the Church of God with such superstition and discord, and such persecutions and convulsions. Hence it is that Europe has been embrued with the blood of so many millions; and, oh! that our dear country had not been stained

with the carnage. The evils which have arisen from this oath stand recorded in history ; but what good it has done, is still to be sought for, and never to be found. Breaches it has rendered quite incurable ; so that all the measures of good princes towards an union or reconciliation have proved abortive.

S E C T I O N CXVIII.

Other
abuses.

IT seems to be quite out of mind, that the Church is a community of weak and ailing persons, the greater part of whom are not either well grounded in virtue or knowledge, nor their understandings so thoroughly discerning, but amidst all their good purposes they frequently fall into errors and oversights. Such weak persons are to be treated with a forbearing compassion and prudent charity. The bruised reed is not to be immediately broken. We are not to inveigh against such as pernicious sectaries and hypocrites, and much less not to abuse and molest them as political heretics. If they behave like good citizens, if they quietly conform to the laws, and shew a readiness to lay down life and fortune for their country's good, so far from being exposed

posed to the outrages of the licentious, they deserve protection and favour ; otherwise, indeed, there is an end of the tie between sovereign and subject. Suppose such well-meaning but weak persons unhappily misled, do not attend the divine ordinances, or even refuse to take the imprecatory oath, this does not bring them under an outlawry ; they still continue subjects, and whilst such, they are intitled to protection. Oh, but they cause confusion in Israel, and the magistrate has a right to punish and suppress them as actual enemies to the constitution of the Church. This old wile of the serpent has been long since discovered ; it is a thread-bare charge, which it is high time to lay aside. The impious Jews persecuted and put to death the prophets as incendiaries, as sectaries, not as God's prophets and holy men. Were it not for the leaven of this religious oath no such eruptions of false zeal would be known. Luther says in plain terms ;

“ They who conduct such affairs are ge-
 “ nerally wanting in charity, patience, and
 “ prudence ; and thus are more inclined to
 “ cut the knot than untie it. It is easier to
 “ draw up a rule on paper, with an order
 “ for those who will not conform to it to

“quit the country, than to set about instruct-
“ing them in a better way of thinking.”

Another abuse is, that he who comes over to our religion must abjure his former faith. Now if this relates to *opinions*, it is not only superfluous but even something absurd. For where truth takes place, error must necessarily vanish, light and darkness being incompatible; so that here the oath is pointed at a non-entity, just as if a town should, after the siege is raised, still fire its cannon at the enemy, who are quite withdrawn. But if error be still cherished, notwithstanding this outward abjuration, the administering such an oath is an injury to conscience beyond any apology or palliative.

SECTION CXIX.

Not to be
vindicated.

THE religious oath, on whatever side viewed, stands upon a sandy foundation. Its very fundamental hypothesis has something contradictory in it, as will appear to the plainest understanding. Articles of faith are proposed to us, and finding them agreeable to Scripture, we assent to them; but this will not do, we must likewise swear. How such an inference is deducible from
reason,

reason, I do not see. But are we bound to assent to truths? Certainly, we cannot but assent. Why then we should take an oath to the Scripture, the pure fountain of truth, and not to the institutions of fallible man. Farther, if this assent be sincere, if we really believe in these articles, (I speak here of historical faith), then the understanding is so fully impressed with them, that to swear to them is as needless as to swear that twice two make four. It is impossible not to assent to a manifest truth, and error can never be espoused as error: but this historical faith is the product only of reason and reflection, a very variable conception. Now allowing that our imprecatory oaths could be justified, how can a bare memorial, an idea be made the foundation of an obligatory oath? But if we believe that the truths assented to make us free and happy, then not only our understanding but our heart is impressed, and we should rather sluice out all its blood than forsake these truths. The tie of an oath is then just as necessary as to secure the head to the neck with a string, or bind soul and body together; and no less absurd is it than to compel one who sees the sun to swear that he sees light and not darkness. But how if
there

there be neither assent nor faith, which yet the hypothesis necessarily requires, else the religious oath is totally without any manner of ground or foundation; and what can be alledged in its behalf? Yet is this the case of the generality. Who ever encourages them to seek after truth? yet it is this only which can produce a rational assent. They swear to maintain the form and externals of their national religion, not religion itself, and to continue in them; and this purely from custom, without any conviction of the truth. Thus by this oath is set up an idol, which, by the bulk of the people, is worshipped as an unknown god, without one single thought about the real essence of our holy religion.

SECTION CXX.

Objection. IMPARTIALITY requires that we should hear what is brought in vindication of this oath. Multitudes of innovators have been known to promulgate their chimeras, and never fail bringing in the sacred Scriptures in proof of them. Now a rule is necessary to prevent all such deceptions and pervertings of Scripture; else we shall be totally at a loss where to set our foot:
this,

this, it is apprehended, would occasion great confusions and broils in church and state. The history of all ages shews religious differences among the subjects to be big with the greatest evils. A frantic zeal breaks loose, and tramples down every barrier human and divine.

S E C T I O N CXXI.

A DIFFERENCE of opinions, in itself, ^{Confuta-} is no more productive of confusion and ^{tion of it.} rancour than a difference of faces. It does not in the least of itself affect the public tranquillity. Society may still subsist in the most amiable harmony: whilst the royal precept of love has its due weight, never will opinions breed a tumultuous discord.

(1st) No confessions and rules will place the heavenly truths in more order and clearness than has been done by Christ and his apostles. If the former darkened and wrongly explained the sacred doctrines, nothing better is to be expected in our days; and in defence of their errors the authors will appeal to those confessions as to the holy Scripture. Of this we have given a notable instance in Section xciv. Thus there will always be some fresh rules adding
to

to the ancient. The rays of light, though hurtful to blearedness, quicken the sound eye. He who is well disposed to truth will find it in the Scripture ; but he who means only to make a wrong use of it, or to traduce it, will, spider-like, find nothing but poison, where the bee sucks honey.

(2dly) The holy Scripture is and ever must be the infallible rule ; by this we must stedfastly abide. Cursed be that execrable error, that the holy Scripture is like a nose of wax, to be twisted any way ; yet by fashioning and moulding its import and sense to our confessions, we do in fact what we so justly censure in words.

(3dly) Far be it from us to say or think that the Helvetic confession ought to be laid aside. On the contrary, we hold and affirm it to be a valuable gem, a noble memorial of our faith : to erect it into a law, is abusing it, is altering its very nature ; but in swearing to it, we sink back into that mire of superstition, to emerge from which cost our ancestors such heroic labours.

God injured by
imagining
it to be
the guardian
of
truth.

(4thly) An apprehension of troubles impending over the Church is no warrant for making use of unlawful means to avert this supposed danger. To attribute the preservation of the Church to our inventive prudence,

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is gratifying our pride indeed. He who gave us the promise, and has hitherto kept it unexceptionably, *that the gates of hell should not prevail against it*, has power sufficient to secure it as the apple of his eye; independently of any institutions of ours, his honour is concerned to make good his promises. In a proper liberty of conscience there is nothing of that danger which people imagine. To what did ancient Rome owe its unparalleled greatness? It allowed every subdued nation the free use of their religion; it tolerated all sects, which, amidst such a variety of opinions, could not easily have attempted any thing against the state, had they been so disposed. Of the benefits of toleration, and the consistency of religious differences with quiet and friendliness, we have a convincing instance in Holland, as that wise statesman prince William of Orange strongly represented to the Protestant cantons. If the sovereign holds the ballance equal among all sects, without a partial favour to any, little is to be apprehended; but if he puts himself likewise into the scale, and sides with one or other of the parties, and is for giving it an undue weight, this indeed naturally brings on troubles; for the oppressed party will have recourse

recourse to any means for its deliverance. This truth France has sealed with its blood, and stands a convincing document to all fovereigns.

S E C T I O N CXXII.

How has
security
increased?

IF an oath of religion be admissible, the time of the reformation afforded some specious excuses for it, considering how very critical all circumstances were at that juncture; however, to have adhered to the example of the apostles, had been better. Jeroboam's policy was for bringing people to be all of one mind, as a great strengthening to himself and his kingdom; and what was the consequence? He lost all, and left this terrible charge on his memory, *that he caused Israel to sin.* In the first council of Jerusalein was discussed this important question, Whether circumcision was necessary to salvation? The apostles indisputably had a better right than either fathers or reformers to decide controversies by their bare authority, and absolutely to enjoin that every one should govern himself in opinion and practice according to their rule. But how did they proceed? Knowing what valuable privileges the faithful are

intitled

intituled to in the new covenant, they called together the whole multitude on both sides. Peter opened the debate with proving the negative from Scripture, as the revealed will of God concerning the salvation of the Gentiles. He was seconded by Paul and Barnabas, who related how eminently their preaching had been blessed among the Gentiles. James likewise declares it not necessary ; at length nobody offered any thing farther in defence of circumcision. Hereupon some other points were added to this, and recommended to the brethren, Jews and Gentiles, for a bond of union. Here was regularity, mildness, and candour, instead of imperiousness, collusion, and wrangling. The things discussed were not unnecessary tenets, but essentials of religion : the question was not how one was to speak or write, but what one was to do or forbear. Here was no judicial sentence, but a brotherly admonition ; no imposition of oaths, truth wants no such props, but a plain recommendation of what the brethren had agreed to. Is this manner of proceeding too open and simple for our times ? Will the present way of oaths and anathemas go farther ? Must religion of necessity be modelled into a political form ? Has not perpetual

perpetual experience evinced that by this same oath not only the end in view never has and never can be attained ; but, on the contrary, religion is stabbed in its very vitals. Why then does this projecting world snarl so against any proposal for reviving the successful pattern set us by the apostles, and delivering the Church of God from this oppressive oath ?

S E C T I O N CXXIII.

Common
failure.

A GENERAL error, especially in republics, is, that rulers overlook the real spring of all our actions, substituting in its stead a multitude of oaths relating to numberless duties, and of which many cannot be so much as the object of an oath, as in our religion-oath ; and this teaches us that the sacred prerogative of rulers suffers by a wrong custom. The power given them by God and the people, the care of the laws, the maintenance and execution of them, their authority over the subjects, namely, to order, and, in case of disobedience, to punish ; this, and not the oath, is what secures the sacred rights of rulers ; this, and not the oath, produces obedience in the subjects ; this, and not the oath, is the real spring by which

which the state is kept in its proper motion; and lastly, it is this, and not the oath, which causes the respective duties of superiors and inferiors to be carefully observed.

S E C T I O N CXXIV.

THE sovereign power may consistently propose the Helvetic confession to a candidate for holy orders, as a testimony of our belief. If it agrees with his religious sentiments, he will perceive himself bound by his own conscience faithfully to preach the doctrines contained in it; and his promising this, qualifies him for admission, when he may be admonished against broaching new opinions: but there is no occasion for swearing him to confirm his promise; the certain deprivation attending any flagrant breach of it, will naturally keep him on his guard. If he takes upon him to promulgate strange doctrines, which cannot long be concealed, he should from that time be liable to be sued for the amount of the whole salary he has received, and be farther punished, according as his case shall appear. Now here this innovator has no cause of complaint, having been admitted into or-

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ders

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ment.

ders on conditions which he has violated, and thus broken a capital duty of society; so that he may justly be expelled, no society being obliged to continue in office, especially if ecclesiastical, one who has countervailed his most solemn engagements. If, as civilians hold, an oath is not to be admitted whilst the end can be obtained by other means, this sufficiently shews that the religious oath ought to be abrogated, out of reverence to the Deity; and the rather, as truth is able to defend itself, and wants no armed champions; this is a fundamental article among the very Mahometans.

SECTION CXXV.

NOW he who is not wilfully blind will clearly see that the supreme power, by this method, would have consulted its interest better than by imposing oaths; of which another evil is, that even worthy divines, as they must swear to whole volumes, are ensnared thereby. The foregoing method, besides its conformity to primitive Christianity, is likewise better adapted to government, and may expect the divine blessing:
in

in a word, all religious compulsion destroys the essence of religion. I cannot, with any thing of a good grace, require of the sovereign that he shall be more concerned for my welfare than I myself. If I take a journey to Jerusalem, what is it to him whether I go on stilts, on foot or on horseback, by land or by water, in white or black clothes, and what kinds of refreshments I use by the way, whether flesh or herbs, water or wine? If I do but reach Jerusalem, that is the point. It is not forms and opinions that will carry one thither: unless I myself set the best foot forward, I shall only be where I was with all my sovereign's specious ordinances.

SECTION CXXVI.

I HAVE frequently wondered within myself that our sovereigns should make it matter of such indifference, *whether the imprecatory oath be a successful method for preserving due subordination, and promoting the welfare of the state?* Amidst all their attention, and that to matters of small importance, amidst their unwearied labours for the safety and welfare of the state in

Conclu-
sion of the
whole Es-
say.

other respects, why so very remiss in so very interesting an article? strange force of custom! So important is this question, that all others should be set aside till it was fully determined. On this depends their own welfare, and that of many thousands; on this may depend eternal bliss, or eternal misery!

S E C T I O N CXXVII.

Man's
chief aim
happiness.

TO avoid evil, and pursue good, is the only law of nature, and deeply is it implanted in the hearts of all men. This is a fundamental truth; all others may be controverted, to this universal experience bears witness. This is real self-interest, the motive of every man's whole conduct; this gave rise to that compact among them, that some shall command, and others obey. The scope of both is the same, the improvement of personal and general welfare. This is the source from whence all governments derive their being. The superiors, on their institution, received a power to make salutary laws, and secure temporal welfare by the execution of them; the point on which rulers should constantly keep

keep their eye, and maintain those salutary laws in proper form, as the supports of national welfare. By way of strengthening these means, an oath was invented; and at first not much fault was to be found with it; a body, however, which stood in need of such physic, could not be supposed very sound. But this physic is now degenerated into a deadly poison. Very scandalous abuses of the oaths soon appeared.

1st, Numberless duties, to keep all which it was impossible, and by no means objects of an oath, were sworn to.

2dly, This swearing was imposed, and with eternal imprecations on one's self. Now these bear no proportion, have no relation to temporal well-being, which is all that comes within the verge of government; no more proportion than a halfpenny to all the riches of the world, than a day to eternity.

SECTION CXXVIII.

METHINKS I see Christ's favourite disciple come up from the regions of the dead on a swearing-day, and repair to the senate-house, where the fathers of our country are assembled. Their grave and devout looks sufficiently shew that matters of high concernment are in hand. The spectacle awakens John's whole attention; he hears a multitude of duties, laws, ordinances, commands, prohibitions, statutes, constitutions, all read over with a formal, audible voice, and so just and proper, so adapted to the good of society, and the personal welfare of individuals, that every one should take a delight to live up to those injunctions, not only for conscience-sake, but for his own particular benefit. The benevolent disciple overflows with joy, and with a gratulatory warmth cries out, Behold how they love one another! But soon is this rapture interrupted by an imprecatory murmur; all the assembly confusedly swearing to live according to those injunctions, and that on their failure, the hands which they lift up may be blasted by

by fire from heaven, their tongues may rot in their mouths, their eyes may never more see the light, their ears lose their hearing, the thunder may crush their teeth, their limbs may drop asunder, and their entrails burst amidst the most exquisite tortures. How deeply is John's tender soul pierced at such a scene! It brings to his mind the obdurate Jews at the crucifixion of the blessed Jesus calling aloud for a curse, *His blood be upon us and our children*; and on them it has been near two thousand years. Have they not been dreadfully visited for their imprecation? The scars of it are still to be seen in them; they are no longer a people. He shudders to hear them invoke the God of justice, that if they fail in these duties, they may be excluded from all mercy, even at the last gasp, and all the vials of divine justice may be poured on their guilty heads! He shudders to hear poor mortals subject themselves to the worm that never dieth, to the unquenchable fire, and the torturing smoke, which ascendeth up for ever and ever! Here compassionate tears stream down his cheeks; his heart melts with grief; it is with faltering accents

that he utters these few words: What rancour is this in the children of men! At the conclusion he hears that God, whose tender mercies are over all his works, will execute these curses. This he could not stand; and sighing out, O pitying love! oh, immense clemency!—he hastily returned to the regions of death, as much more eligible than to behold so shocking a scene.

*The good fear not for truth t'express their zeal,
And truth's defence promotes the public weal.*

APPENDIX

APPENDIX.

LETTER from the AUTHOR to
Mr. HERPORT, Senator at
BERNE.

DEAR SIR,

WHETHER this product of my
solitude will be any public advan-
tage, I refer to your judgment. A boat is
briskly going down the stream ; but a pas-
senger, well acquainted with the river, calls
out, “ Mind your steerage ; a little more
“ to the right : this is a dangerous place ;
“ you are got among rocks and shoals, so
“ that if you do not take care, you will
“ lose the boat.” “ What a plague (cries
“ one) does the scoundrel mean by all
“ this bawling ? he has waked us with his
“ cursed yelling. If he cannot sleep, he
“ is not to disturb others.” Slap goes an
oar over his head, and that he gets for his
precaution ;

precaution ; for his outcries proceeded only from his good-will to save the boat.

A politician, on the imagination of any danger, rings the alarm to prejudice, calumny, envy, animosity, and custom, to thunder out, “ Stick to the old way ;” and his own eyes being yellow, pronounces every thing else yellow. *On croit être en danger dans les moments même les plus surs,* says Montesquieu ; adding, *C’est un delire du gouvernement.* I own myself not one of that keen-sighted class ; and, after a leisurely view on all sides, can perceive nothing of that danger which my worthy kinsman has such strong apprehensions of ; but no where intimates from what quarter this danger can rise. From the people ? Why, the people trouble themselves as little about the alteration of the oath as about the oath itself ; and that is known to be little enough. From the regency ? Still less, as they know the reasons of it. However, he harbours a persuasion, that according to my system the bare assent to the oath makes the obligation too lax ; the multitude must continue shackled together with the fetters of the imprecatory oath. To such a degree have statesmen sublimated in political crucibles the oath, otherwise

wise not improper or overstrained, that it is become an imprecatory oath, a deadly poison ! Eternal salvation, indeed, is not the immediate object of civil policy ; yet our regents, among their honorary epithets, being stiled pious, does it not deserve some share of their attention ? Were three glasses of wine, one with a strong poison in it, and two with pure water, placed before a person, he would, doubtless, abstain from the poisoned wine, and quench his thirst with pure element ; so a rational Christian would rejoice at the downfall of the imprecatory oath, and readily enter into the sacred obligation of an oath becoming a Christian to take. The supposed necessity of the imprecatory oath rests on this mistake, of which daily experience is a manifest confutation ; namely, as if nothing under the imprecatory oath, not all the exerted force of national law, could keep men to a regular discharge of their public and private duties. Now this betrays a very shallow knowledge of human nature.

But that truth and innocence may not suffer on account of the word *dangerous*, I appeal to the whole world, whether it is in my system, or in the customary practice of our imprecatory oaths, common indeed to
all

all free states, that lies the danger. The following particulars will place the contrast in the clearest light.

According to my oath,

(1st) God is invoked as a witness; and a heart declared to be void of all falsehood, is poured out before him, to whom all hearts are known.

According to the imprecatory oath, God is called on as an avenger, no otherwise than if his adorable majesty was at man's beck.

(2dly) We swear to those duties without which government cannot subsist; fundamental duties, and connected with the original compact of society.

All injunctions, prohibitions, present and to come, are sworn to *in the oath*, without any reserve or exception.

(3dly) They shall be clearly made known, shall want no explanation, shall be easy to practice, and sufficient for the safety of the state, and satisfactory to the conscience; and farther, these oaths are to be sworn only when the end of swearing is not to be obtained by penalties and recompences.

The greater part of our oaths are not known, nor indeed can be; the observance
of

of them is impossible, even to a person of rank; they are generally of little consequence to the state, and do not answer the chief end.

(4thly) All other duties occurring in any rescripts, mandates, ordinances, and injunctions or prohibitions, and not included in the oath, shall be referred to the laws, and the cognizance of those to whom they properly belong, and who are enabled to enforce obedience.

The punctual observance of duties is urged in the imprecatory oath, though every man must be convinced of the impossibility of this, by reason of our natural incogitancy; the multitude of duties, affairs, and concerns, our avocations, trades, and necessary cares, will not permit us to think on them, much less punctually to discharge them.

(5thly) Here no active practical obedience, no universal conformity of behaviour, is sworn to; all required is to make a solemn promise of subjection; that is, to submit to the penalty of the law, in case of committing any trespass.

There we engage by oath punctually to discharge all duties, even the most inconsiderable.

(6thly) All renouncing of the divine mercy, and pledging the precious immortal soul, all imprecating the divine vengeance, and subjecting one's self to eternal damnation, is shocking in a Christian, and unexceptionably forbidden by our Saviour. Besides, all solemn attestations are to conclude with a fervent prayer.—Concerning these six articles, and their contraries, see *Essay*, Sect. 52—73.

In contempt of our Saviour, what he has forbidden is enjoined, and what he has enjoined is forbidden. It impowers man to throw away his soul, which is Christ's property; to renounce all grace, even at the very hour of death, and peremptorily subject himself to eternal damnation, and to devote his soul to the devil with the inviolable seal of an oath. I now refer it to every one's conscience on which side the danger lies; danger do I say? Yes, death and perdition.

This has been proved at large in that *Essay*, so much inveighed against, and even publicly burned. The proofs are made to amount to nothing less than high treason; whereas my worst crime is having exposed the enormity of rash and inconsiderate oaths; but, dear cousin, would it not
make

make you shudder to hear, constantly as the year returns, a multitude with the most solemn formality calling on the Most High to send down his eternal vengeance on them, if they do not faithfully perform what they have promised, and know before-hand to be beyond the power of man? Is this then the fine-spun policy, which infatuates the conscience, and extirpates religion? Is this the Atlas of government, to administer the worst of poisons as a salutary physic, and thus destroy itself? Is this the excellence of sagacity, to preclude all access to truth, and use the arm of power against it, to deter all inquiries into what is beneficial and what dangerous?

In all conversations on this head, what is more common than to hear, *oaths are made a jest of, nobody minds them?* This is said of and by all the world; but where is the individual who declares, *Oaths are but a jest with me, I never mind them*; I AM THE MAN OF DEATH! This only means others: *I* is quite out of the question; so that self-amendment is shifted off to others, and the abomination left to stand unmolested. The causes of this are pointed out in the *Essay*, that things must remain on the old footing. That their consciences may be the less sensible

fible of these enormities, recourse is had to all manner of delusions, or they even must be totally stupified.

When you are pleased to inform me particularly of this danger, I cannot divine your meaning, unless it be that the Anabaptists are coming again. Let them come; I will either edify them, or be edified by them: so far is certain, that nobody will refuse taking my oath, as it is to make a rational confession of one's faith, intirely correspondent with his religion; whereas all imprecatory oaths are to be abhorred. These oaths ever have and will put tender consciences in mind of the tenets of the Anabaptists. Truths which rest on Scripture and reason are not to be suppressed by force. It is the privilege of truth above all falsities, that though it may bring on sufferings, yet are they mixed with sweetness; and afflictions are alleviated by superior solacements. This truth I leave with you and yours; being your intirely devoted servant,

4th August,
1766.

HERPORT.

The AUTHOR'S REMARKS on the Oaths sworn by all the Members of the REPUBLIC.

IT is needless to press as a duty what is the main foundation and capital scope of all callings: to say to a necessitous Swisser, *work thy oxen, tend thy cows and sheep, defend thyself from thine enemy*; the pleasure of satisfying hunger, and promoting one's well-being, the innate principle of self-preservation, will, while men are men, animate them in the discharge of these duties, more than all the ordinances and oaths the most sagacious politicians can frame.

To promote benefits, to avert evils.

It is *absurd* to swear to a duty which is not understood; how should the generality know, what is for their country's good or harm? Self is the real object of every man's cares and endeavours, though those likewise concur to the welfare of his country. A Swisser on the first, though distant prospect of mending his condition bids adieu

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to his country, though bound by a thousand oaths to remain in it; and how indeed can a subject in distressed circumstances observe these oaths? Should any one, out of a patriotic zeal, set about clearing the streets of loose stones, such a patriot, and a real patriot is he within his sphere, would, but very undeservedly, be called a madman for his officiousness. Thus such words signify nothing with regard to the subject, though he equally swear to them; but chiefly relate to the magistrates: yet are they ostentatious, and imply such a gasconade as ought not to have place in an oath. They ground themselves on a notion as if rulers guided the wheels of divine providence at the pleasure of their supposed policy, and were able to direct destiny. We admire the address of a Richlieu, Mazarine, Cromwell, and other such remarkable persons; but, on a close inspection into their politics, we find that if their devices, treacheries, and perjuries have sometimes deceived others, much more frequently have they themselves been caught in snares of their own laying. It is the divine providence, and not their so much boasted, yet so often mistaken policy, which in thus disposing all things, appoints
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the rise, and brings about the fall of all the states and monarchies of the world. The Machiavelian projectors, though affecting to be thought first rate geniuses, after all the wonders of their vapouring state-craft, never were able to defeat the divine purposes. All their fetches, stratagems, and frauds are only the parts of a political pedant, often the dupe of his own supposed sagacity. The divine wisdom makes use of the very opposition of the children of men to execute its unsearchable plans: the Almighty, who has appointed the weak sand on the shore as boundaries to the tumultuous ocean, has laid on it this inviolable command, hitherto and no farther; it is he likewise who puts a bridle in the mouths of potentates, that the most rapacious state-monsters shall cease their ravages, according to his gracious appointment.

Solomon the preacher, with whose insight into things, no Machiavelian sophistry is to be compared, at once demolishes their flimsy structures with these words, *The race is not to the swift, nor the battle to the strong, &c.* And here I might call on a politician for a lecture on that verse: it would doubtless afford equal entertainment and instruction with that wretched com-

position of a Pharisaical pamphleteer on the prohibition of swearing. Who can be ignorant that many often run in vain? while stillness and quiet reaches the goal; that many well concerted schemes fail, while some apparently wrong succeed; and profound wisdom is baffled equally with folly. There are more instances than one that in political assemblies the whole have sided with an opinion, which at the same time they would have zealously opposed, only from their not rightly understanding the soft voice of the Deity; the issue however has shewn that, through the divine guidance, this has turned out to the benefit of our country. By what means? By policy? No, but by the appointment of the supreme ruler of all things, without whose will not so much as a hair falls from our head; therefore to him and not to us, not to any wisdom or policy of ours, be the glory. Whoever harbours any other imagination is like a hungry man *who dreams he is eating, but when he awaketh his soul shall be empty*, Isaiah xxix. 8. or he may be compared to Ephraim, *who feedeth on the wind, and followeth after the east wind*, Hosea xii. The history of all ages fully manifest this truth: formerly Germany, when

when oppressed, has turned its eyes towards Sweden for deliverance ; and found it in Gustavus Adolphus. Has not France itself among all its commotions come to our succour ? Has not Holland, whilst weltering in its blood, baffled the power and policy of Spain ? Was not its blood the very manure of its aggrandizement ? has not our own country emerged, from the depth of oppression, to be a powerful republic, without the help of political finesses ? Did the free Swissers so much as imagine that, by their means, the confederacy would attain to such a degree of prosperity and reputation ? Cromwell, with all his craft and courage, for a long time had no thoughts of ever getting the sovereignty of England into his hands. All events come to pass in consequence of the divine plan, which it is quite beyond the reach of human policy, either to impede or promote. I very well know that God does not work immediately when we are to do our duty ; he knows the proper time for inspiring rulers with wise schemes, and subjects with extraordinary valour for executing them, and can supply help even from foreigners. We must in truth be ungrateful to the highest degree

if, comparing the former mean and distressful condition of Bern, with its present opulence and power, which is such that its founders would not know it, we do not with overflowing hearts acknowledge the happy change intirely owing to the Almighty's gracious protection. How then dare we engage in such an arrogant and presumptuous oath, that we will promote the welfare of our country, and be responsible for any failure in so doing?

It is *vague* and often means nothing; sometimes it has a meaning, but on which every one makes his own comment; for these words imply so many things, transactions, and circumstances, time, place, occasion, that the statesman of the most comprehensive parts cannot see into, and much less judge how far, or wherein, all these particulars will hurt or benefit our country. Is it for the advantage of an opulent republic to accumulate money? Should we enter into this or that alliance. The decision must be left to time. There are so many reasons for the negative or affirmative, that all our capacity amounts only to conjecture: that in all cases we should be right is a moral impossibility. As to the importation or exportation of any particular merchandize

merchandize being of advantage to the state, every man votes and votes according to his present judgment, but the next day things appear in a different light to him; then what is advantageous to one province, or one society of men, may hurt another. A purblind political mole, who of ten points of view in which an affair may be considered, perceives only two, cannot rest till he commits his ordinances to paper, and flatters himself that he is doing his country notable service; whereas, in reality, it would be a wonder if such ordinances should continue in force a month; or, to use a phrase of our own, any longer than from eleven till noon. However, these ordinances must be sworn to, as well as all the rest, and a man conforms to them, though to the detriment both of himself and his country. Another placeman cannot, minding the letter of the oath, act as he thinks best for his country. Now which of these two has best answered the purport of his oath? Yet amidst such a multitude of contradictions, there is no making our way in conjunction with the latter; and all that remains is that to the best of one's knowledge and conscience we do all the good possible. Right! the mutability of all

things admits of nothing better. Nor will swearing and cursing mend the matter even were conscience, as chief director of our sentiments and actions, hampered with oaths, *ad infinitum*. This chief director operated so powerfully in a person of rank still living, that he told me he should have done many things which he had omitted in regard to his oath ; but it did not occur to him, that from his natural remissness, and the multitude of duties, he had omitted many. I remember that formerly the gigantic Christopher with the infant Jesus in one of his arms, was placed in the cathedral over the splendid *ciborium*, as a guard against any sacrilegious hands. But at the suppression of superstitious ornaments the infant was removed, and replaced by a halbert, so that Christopher made the figure of a Goliath ; and was set up over the great door. The internal overseer, in many, is no better than this wooden Christopher : they would rather have an halbert in their hands than the infant Jesus ; and in their manners they resemble the vapouring Goliath. O ! that such may soon be laid low by David's sling ! But how does this chief overseer discharge his office ? St. Augustine informs us that on
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a stimulation of the desires our consciences conform to them. A vitiated conception represents things advantageous or pernicious, not according to their real nature, but according to our inclinations; and the conscience closes with the deception, though reason, experience, and revelation concur to demonstrate the contrary. We obstinately hood-wink ourselves with regard to truths otherwise clear as the meridian sun. Of this my Essay and the clamours made about it are evident proofs; else why this severe sentence, the arrest of my person, the seizure of my book, which yet contained nothing but what tends to the good of our country, and proposes a rational model for new casting the imprecatory oath? The celebrated Mosheim too truly says, *nothing offends the great so much as any thing that looks like curtailings their power*, even were the surmise only imaginary: for in the name of goodness, how would the constitution be affected by setting aside the imprecatory oath, and causing social duties to be complied with by a due execution of the laws to which they more properly belong?

It is *insidious*, tending if not to the justification of perjury, yet to give it a specious palliative,

liative, and invalidate one oath by another. This you will soon comprehend; though you are already blinded, I shall be very tender in judging, and account all who are dignified with the ensigns of magistracy men of true honour, and respect them as such. But they will likewise be pleased to allow that men of honour are often carried away by passions, though still worthy patriots, as in the present case. Now let us consider how conscience, amidst our various propensities, when bound by an oath, discharges its office of overseer or comptroller. Experience shews us with what dexterity, as its views require, it can make a right or wrong use of the maxim to promote the public good. The *ambitious man of parts*, eminent for all political talents and qualities, is appointed to the management of the most important affairs, and succeeds in unravelling intricate transactions; will such a one leave a stone unturned to supplant his competitor, whose only merit lies in an illustrious pedigree? Should the oath obstruct his putting his good intention into execution, he conceives that his very conscience obliges him to swallow the oath for the service of his country, and to take that office on him,

as better qualified for a right discharge of it. An *avaricious man* easily brings himself to imagine money better in his hands for educating his children than to let the shining dollars rust in the government's coffers. His conscience, that offended director, forbids him to make a show of the public money, lest it may prove a basis to some foreign prince whose territories confine on his country; besides, with him, it is a maxim, that for a republic, already in very good circumstances, to glut itself, nothing can be more pernicious. The *man of expence*, who delights in doing good, and promoting a brisk circulation of money, were it even by sacrilege, turning silver images of saints into cash; even to such a crime will his conscience reconcile itself, and applaud him for sending them about the world according to their mission. A *tradesman* or *pedlar*, whose very soul is gain, who deals chiefly in prohibited goods, even this wretch is likewise at no loss to quiet his clamorous conscience; all exactions and means of lucre with him are warranted by his Christian calling, his oath to ordinances, as instituted by envious persons, is to give way to the obligation of promoting the good of one's country, and

and this his trade does, though prohibited by the laws. Thus can the deceitful heart mislead even honest men, and blind the conscience with illusions for every purpose, so that in time it becomes hardened to all sense of perjury ; and the burthen sets quite easy.

OBEDIENCE to all ORDERS, and PROHIBITIONS both present and future.

THE framers of this oath have herein shewn, with a witness, that they will cram down the most preposterous swearings ; by which this so highly valued prop of government is most deplorably bungled and hacked, that out of its chips have been formed a multitude of other oaths, which were to support the primitive oath, yet themselves stand in need of support : a mere notion, a chimera, a false explanation, or rather an obscuration, must be called in as an auxiliary, and to plane away its many and very disagreeable inequalities. The council of state determines with equal perspicuity and energy the import of these words, that no member of the state is to offer any explanations concerning them, however supported by reason, Scripture,
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and daily practice; and, on the contrary, these plain words, which are an inextricable snare to the conscience, remain in their harsh literal sense, requiring an active and practical obedience to all orders, and not only subjection, as of right and reason it should be. All performances of duty, the four radical duties, which I specified in the form as essential to the state, excepted, should be left to the protection of the laws, and all transgressions or neglects to be animadverted on by the executors of the laws; and this is the subjection due from every subject, for which I refer to my *Essay*. But the terms in which this oath is drawn up, are strangely severe and rigorous, and the order of the supreme powers for enforcing it big with most inadequate penalties; yet all persons holding any office civil, military, or ecclesiastical, all subjects and dependants, swear, most solemnly swear, to the full and complete observance of it.

The painful sensation of the perjuries unavoidable amidst such a multitude of duties sworn to, was what first invented this lenitive, to say, *That the oath did not imply obedience, but only subjection.* With such a salve do they besmear the malignant ulcers of

of perjury. Would it not be better, is it not even necessary, that the word *subjection* be inserted in the oath, as clearing up and abating its extreme severity, implying a submission to suffer the legal punishment, in case of a breach of duty and offence against the laws? The sword of the supreme powers would then blaze in its proper lustre, the subjects obedience being enforced by their authority, without standing in need of being assisted by oaths impious and evasive. See *Essay, sect. v. lix. lxx.*

A L L O R D E R S.

THIS hateful link of the chain should have been gilded with the word *just*; then the framers of this oath would have met with no opposition; yet this word is somewhat awkwardly inserted. It is very seldom that a government issues such orders as are manifestly unjust; if not from real goodness, at least to save appearances. On the other hand, it is not for a subject so much as to suspect that any orders and prohibitions are not calculated for the good of the state, much less to take cognizance of acts of government; as with such a privilege the seditious people, on any pretence, might elude

elude all orders whatever, and refuse that obedience which they owe, as essential to the very being of the state. I have often wondered that our rulers, as men of wisdom and probity, can allow of such a monstrous impropriety in our laws, and the more, as some abandoned political casuists, with only this single word, cancel an oath, and dissolve all obligation to the duties so solemnly sworn to. In Sections liii. and lvi. it is plainly demonstrated, that the duties sworn to should be *known, feasible, important,* and *necessary*; which last words imply, if no other means can be found for keeping the members of a community to the proper observance of their respective duties. But we, in our rash presumption, bind ourselves by an imprecatory oath to pay an unreserved obedience to all ordinances: now of these the most consummate lawyers never had, will, or can, have a complete knowledge; and even with such complete knowledge, they would not be able to observe such duties with the precision due to an oath, not only by reason of our passions, which are apt to postpone duties to any little profit, pleasure, or honour, but likewise on account of our natural incogitancy, forgetfulness, and avocations, intruding on

us from every side : people, from their circumstances, are so taken up with the cares of life, as to overlook all other objects ; they have no time to busy themselves in speculations about duties and oaths, even where they are possible to be observed. All these duties may be sufficiently provided for by penalties, and are not worth the sacredness of an oath, nor does the violation of them weaken or disturb the state ; and even supposing them worth an oath, yet can the obedience be better maintained by rewards and punishments. These dwell on the memory longer than hearing an oath read : the bare word *just* snaps asunder all these knots. Has it not an appearance as if our rulers made use of this extravagant oath to save themselves the vexation of business, and making themselves enemies by putting the laws in execution. These are cares they gladly shake off, though no more than what, as magistrates and guardians of the law, they are by oath solemnly bound to.

SO HELP ME GOD.

THIS is the very pith, marrow, and quintessence of our imprecatory oaths; the seal of this inviolable sanctuary: it occurs in all oaths, though in some parts with lenitives, at least without the tremendous aggravations used among us. And a sufficient reason it is for asserting and making public this important truth, that a Christian, who by the very fundamental principle of his religion, has renounced wealth, honour, and pleasure, cannot, according to law, force another to pledge his soul. The Jews, though always very ready at taking oaths and swearing, have not gone such lengths as Christians. We read in the history of the chaste Susanna, that though her life lay at stake, no oath was made use of: whereas among us affidavits are taken on every trifle; and what is still worse, or rather insupportable, we swear diligently to obey, fulfil, and comply, with all orders, prohibitions, precepts, edicts, and mandates, past, present, and to come. I shall not now enquire whether it be war-

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and endanger his soul, of which Christ has made such a purchase, as fills the blessed spirits with admiration! to summon the most perfect Being as a surety, to defeat the whole work of redemption, and to profane the name of the Most Holy. See *Essay*.

In justification of such impiety, and by way of palliative to their idolized imprecation, they dare produce, from Heb. vi. Christ and God himself as a precedent; as if the God of holiness and truth could not obtain from man a belief in his gracious promises, unless he sealed them to us with an imprecatory oath. Such blasphemy!

It is to the emperor Justinian, who, if justice had been done him, deserved another kind of exaltation than to a throne, that we owe the introduction of this imprecatory form, this abomination, which, as all others, is the spawn of the most ignorant and profligate times, and hath been strictly adhered to as a catholicon for all political distempers.

Here I am lost in amazement at the fatal lethargy of our respectable rulers, that they, who on other occasions have distinguished their zeal for the good of our country, in this so important point are so remiss, so
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far from putting a stop to the evil, that we labour under the heaviest marks of their displeasure, for our affectionate and respectful endeavours to awaken them and all Christians from so pernicious a lethargy.

Another circumstance, dear cousin, which gives me no small pain, is, that though of no bad disposition in themselves, they do not perceive the utter unjustifiableness of this oath. If rulers, under any pretence or plea whatever, ordain what Christ has forbidden, the obedience due to men takes the lead of the divine command; they being, and it is their most glorious title, only God's ministers. Now all imprecatory oaths, without exception, are prohibited by our Saviour; and he plainly sets forth the cause and reason of such prohibition, that no political pamphleteer, no Pharisaical scribbler, will ever be able to invalidate this sacred command. Custom, that forcerefs, leaning with one arm on the sanctuary, and with the other on *reason of state*, has fascinated our magistrates to such a degree, that they have even strained their politics, to put the best face on so bad a cause. But their wretchedness and sophistry are big with such evils, that I cannot forbear animadverting on them.

Peter was put in mind of denying his Lord by a cock ; Balaam was opposed by an ass ; and shall not I, as a man, give a helping-hand to one who is sinking ? as a Christian, shall not I employ my talents for the salvation of others ? as a subject, shall not I, to the best of my abilities, promote my country's good ? as a burgher, shall not I help to quench the fire which rages in our city ? as a preacher, shall not I expose error, and set truth in a clear light ?

Farther, the Chinese, who stand very high in your esteem, have a law, that whoever sees or knows of any thing amiss, is immediately to lay it before the government. Such an order I hold very beneficial in all republics ; and in imitation of it I did, with a sincere view to the public good, recommend my *ESSAY to the examination of all Christians*. Had I included among these our oath-analyzers, what an outcry had ensued ! However, this analysis, it is hoped, will convince them that our common oath stands in need of amendment. I will not say that it is absolutely bad, and better out than in ; but you know full as well as myself, that no vague, no far-fetched, much less no unintelligible words, no unnecessary, no unknown,

known, no insignificant duties, should be imposed, and least of all when the divine vengeance is called on, and, what is terrible to mention, the divine grace is renounced.

I could easily shew how by the great number of oaths, held so very necessary and so advantageous, you seem utterly to forget yourself. Is it not in some degree a contradiction, that we, professing to believe the total inability of a sinner to any good, yet take upon us to swear that we will observe all the ordinances of the state and all other duties. One oath annihilates another; the oath to obey all ordinances, totally supersedes the oath to the Helvetic confession; but in a state-heretic the exposing a public error is high treason in its highest sense: this however I will venture to recommend as a certain maxim, that the imposition of duties so very contrary to human nature will never be complied with; for the natural principle of pursuing our happiness is of more antient date and greater force than all the laws and institutions of government.

LETTER from the Reverend Mr.
HERPORT to Mr. T——R,
CHIEF MAGISTRATE of BERNE.

Right Honourable Sir,

I Could wish to know wherein a burgher's freedom consists, when one of creditable parentage, in a free state, a dutiful citizen, a sworn professor, writing for the good of his fellow Christians, seriously laying before the regents, as prejudiced in favour of oaths, the great danger of salvation arising from them, is oppressed by his judges without being heard or tried; nay, cannot so much as obtain any notice of his crime, but is in danger of seeing himself debarred from giving any information to the regency, and soliciting the protection of their justice. It is now above four months since I petitioned for an examination of my affair, that justice might be done me; and I cannot but apprehend that the magistrates privately traduce me to the council of state, and

and urge this respectable body to put their severe sentence against me into execution. Shall the fundamental laws, under the pretence of their protection, be set aside, and justice denied to one duly petitioning for redress?

Montesquieu says, and he is seconded by sound reason, That the worst of tyranny is to commit an injury under the pretence of justice. My condemnation must be the certain consequence, if the contents of these sheets are not read before the council and burghers, and I am not assisted in this just request. I am a poor state-heretic, whose only hope is in your love of justice, putting you in mind withal, that this should be done not so much on my account, as for the preservation of liberty. If these sheets, which were written the 1st of July, and 4th of August last, cannot be laid before the council of state, and I know of no reason to the contrary, then no citizen, for the future, is to entertain any hopes of representing his grievances to the regency, their gracious protectors; and what in a free republic must be the issue of such procedures appears at first sight. Wishing you

courage and resolution, I remain with un-
reserved esteem,

Your most devoted servant,

Berne, Aug. 4,
1766.

HERPORT.

I hope you will send back the sheets.

P. S. It is matter of astonishment to me how the secret council came by such power, that they shall injure a decrepit old man in his liberty and character, without ever declaring his crime to him. At his first appearance before the secret council after a six weeks sollicitation, not a single word was mentioned. I little imagined their power was of such extent; for the constitution of our government cannot confer a prerogative to hurt a burgher in his freedom, character, or property, and allow a chamber, or court, to be inquisitor and plaintiff, party and judge. A poor old clergyman is debarred the rights of a common criminal, and nobody gives himself the least thought about stepping into his relief, though bound by the municipal oath.

REPORT.

R E P O R T.

Mr. HERPORT, a country gentleman, of irreproachable life, did above sixty years years ago lay before the supreme council a very affecting representation of the many and unavoidable perjuries then in vogue; and even printed a little piece on that head. This book fell into my hands when I was a student, and on perusing it, my opinion was, that the author had been too severely treated; I made it my business to collect, from every science, whatever might throw any light on this subject. My promotion to Vivis gave me an opportunity of rumaging several libraries, and making myself acquainted with many estimable persons, in whose conversation I improved even more than among books. Both together, however, I think have furnished me matter enough for representing to our rulers, by what sinister artifices oaths had been introduced, astonishingly increased, and perpetually retained, on the very mistaken supposition of being the foundations of government. I ventured to write an Essay, which many worthy patriots

triot's liked so well, that they expressed a desire of seeing it in print; but with this advice, that I should draw it up in such a manner, as the performance might be of use, not to our state only, but to all governments in general, all being infected with a fondness for political and religious oaths. Pursuant to this advice, I set about the work; and it had the honour to be approved of by all who understood the argument; yet I could not prevail on myself to publish it, though, with such unexceptionable judges, I was convinced of the lamentable abuse. They and I saw the inextricable labyrinth of innumerable duties all bristled with horrid oaths; but they, and much less I, knew of no issue from this pernicious maze, nor of any method for duly unravelling this confusion. Thus the Essay was not printed, though many patriots were, without my knowledge, at the pains of transcribing it.

But that my labour might not be totally lost, I placed the Essay, together with some other small pieces, in our city library, where by the magistracy's direction it was transcribed. A very painful disorder in my limbs, with which God was pleased to visit me, left
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very little expectation of my life. In these circumstances my hopes were that some better pen would enlarge and publish my Essay, and thereby possibly do his country no inconsiderable service. In the mean time, my mind was continually taken up with this object; and this employment I own greatly alleviated my pain. What I, with many patriots eminent for parts and virtue, had long fought for in vain, I flattered myself to have found during the course of last winter. I felt an irresistible impulse to offer for public examination, to the Christian world, a form of such an oath as in every respect would bear the strictest examination. But as from such a long continuance of severe pain, I had reason to doubt whether self-love might not deceive me, I would not trust to my own light, but addressed myself to judges of confessed abilities, ecclesiastics and laymen, acquaintances and strangers, natives and foreigners, for their sincere, and real opinion, which was unanimously in my favour; and particularly they commended the form as a master-piece, regularly containing all the fundamental duties essential to a good subject and magistrates.

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Hereupon I conceived it my duty to commit this Essay to the press, and agreed with Mr. Wagner to dispatch the work; but professor Stopfer, to our great amazement, fearing to incur displeasure, would not allow of the printing of it here, though he himself approved of the performance; and thus at his advice, I gave the printing of it to one Mr. Heilman, a perfect stranger to me. He was to deliver me a thousand copies by Easter fair, two hundred of which I had thought of distributing here, and eight hundred were intended for Germany.

April 21,
22.

I received from Biel ninety-four copies of my Essay, and immediately, getting one sewed, sent it away to counsellor T—— for his inspection, and through him to be informed whether I might send twenty-six copies to the honourable council, acquainting him that I waited his opinion; else would send them together with the others, remaining at Biel, to Germany.

24, 25, 26.

I caused several copies to be distributed among the several members of the state, even to the revisors of oaths; at the same time begging the favour of their thoughts on it.

On the 26th the magistrates of Erlach summoned me before them, and signified to me, in the name of the privy council, and in an angry manner, that I had acted contrary to my oath; that I had been guilty of a very high crime; that I had endeavoured to abrogate all oaths, and overthrow the very constitution of government, ordering me without delay to get in the copies which I had distributed, and convey them to them within the space of four days, under pain of the displeasure of the council of state.

A messenger was sent, demanding immediately a list of all to whom I had distributed them. April 27,

The premier-serjeant and Mr. W——, 28, together with one of the magistrates officers, came to me to seize and carry away all the remaining books; but they had been already sent to the council in the morning: they likewise demanded my writings, I delivered what I had, together with the list of those which I had made presents of and subscribed. They farther notified to me the arrest, but did not know for what time it was to continue. I desired to be favoured with a copy of this order, or that I might be permitted

mitted to take an abstract; with this request they declined complying, yet very civilly.

This order gave me the more concern, as I was persuaded that none of the members of the council had read and examined the book, having not, at that time, sent any to them, Mr. T—— excepted, whose opinion I was first desirous of knowing.

In the mean time the copies which I had distributed were seized; and those at the book-binders at Biel, to the number of eight hundred, designed to be sent into the empire, were carried away, and some being still wanting, fresh orders came as I valued the displeasure of the regency, to procure them instantly. Hereupon I wrote to ——. I know not how, my wife, without my privity, had distributed some, and would not deliver up any. I myself conducted Mr. W—— where to seek for them; and thus with the most sincere and well-meaning confidence in the supreme courts, I appealed to them. At length the above came likewise to hand, and were sent away, except very few, which the members of the state would not return. Of these last received, only one did I reserve, and that for my own de-

defence ; which the calumnies every where spread against me, and the delays in granting me a hearing, laid me under a necessity of doing ; writing to Mr. W—— that I should keep it till the regency's farther orders ; and that I humbly requested the secret council not to construe this as an act of disobedience.

Through the whole course of this month, May. I, with the greatest humility and earnestness, solicited to be heard, in order to my obtaining speedy justice and my discharge ; but all in vain, even though several members of the council of state and other councils were prevailed upon to make known their opinion : from which I conceived that they were worthy patriots and lovers of truth, but had not yet come to the knowledge of it ; and that I in my Essay had been wanting in explicitness and perspicuity. They were pleased with subsequent explanations. A member of the council of state desired a person of eminent learning, and likewise a member of the government, impartially to let him know his thoughts of the affair, which he readily did, in such a manner, that though at that time, I had no manner of acquaintance with him, the learning, sound reasoning,

ing, and patriotic zeal which is shewn in his work, immediately made him known to me; and I wish that his book had been printed jointly with mine.

June 6.

The arrest still continued, though I had flattered myself its period was come, on my being cited to the hearing which I had so long wished for, when I should know the real cause of the high chamber's displeasure; for I was totally ignorant of all which the magistracy of Erlach had expostulated with me about, and could not imagine that my Essay, being calculated for the good of our country, and as an humble admonition to all Christendom, and farther offered for public examination, could have occasioned so strict a seizure of all the copies, together with an arrest of my person, as if I had printed something against the constitution or religion, nothing of which would appear on my being admitted to a justification of myself. All the charge against me amounts to no more than, wherefore had I not conformed to professor Stopfer's prohibition of my printing the book? To which I answered, that Mr. Stopfer, though, from a fear of incurring the displeasure of his superiors, he would not grant an *imprimatur*, wished my book good success,

success, and advised me to print it at Biel ; that he approved of the whole in general ; only softening some expressions. When I urged to him, that if any resentment was to be apprehended, it was on me, and not on him, the bolt would fall ; and that several persons longed to see the work, his answer was, that they were the first who would give ground, &c. Also that in his first *theological reflections* he likewise had strongly insisted on the necessary alteration of the oath : how it was altered I am utterly unacquainted with, though I very earnestly petitioned to see it, as likewise for a discharge from my arrest ; but all in vain.

Now I had the honour of bearing testimony for truth, which I did in the same words as the Essay ; but with this difference, that I had to the best of my power declared against the imprecatory oath, as forbidden by our Saviour, not as a problem, but as a point decided beyond all question. This was all that passed in this hearing, which lasted about half an hour ; and I imagined that now my troubles were drawing near to an end, was in daily expectation of being discharged from my arrest, and having my books returned to me.

June 18. My bad state of health requiring a change of air, I sent a petition to the council, that as I yet was ignorant on what account I was kept under arrest, the secret council having charged me with nothing beyond professor Stopfer's once forbidding me to print my book, I requested a hearing in order to my discharge.

The petition was in these words, “ Il-
 “ lustrious and gracious lords, Buat Her-
 “ port, your most dutiful subject, applies
 “ himself, under his many afflictions to
 “ his high and gracious sovereigns, pour-
 “ ing forth his oppressed heart, and humbly
 “ imploring their powerful protection a-
 “ gainst the calumnies with which he is
 “ daily blackened. In his present deplora-
 “ ble condition, he hears that in all compa-
 “ nies he is traduced as an incendiary; and
 “ his Essay, which with great labour he
 “ composed for the benefit of all Christians,
 “ has drawn on him many uncharita-
 “ ble censures, which give him the more
 “ pain, as he can assure your excellen-
 “ cies that concerning his duty as a sub-
 “ ject, he acknowledges himself bound
 “ by so many acts of singular goodness
 “ to offer up his life and fortune in their
 “ service, and to live and die in all pos-
 “ sible

“ fible love and respect for their per-
 “ sons.

“ The purity of his intentions cannot
 “ be unknown to your excellencies, so that
 “ if it has been his misfortune to fall into
 “ any misbehaviour, it is a very great af-
 “ fliction to him, and he is ready to burn all
 “ his writings, if on their gracious exami-
 “ nation the charge shall be found true.
 “ His very advanced age, his many in-
 “ dispositions, the near view of eternity,
 “ his love to his country, are sure pledges
 “ that he is incapable of any rebellious or
 “ malignant project.

“ Were he permitted, (and what may
 “ he not hope for from your excellencies
 “ compassion and lenity?) candidly to lay
 “ his weak thoughts to be canvassed by
 “ your eminent wisdom, whether it is not
 “ better for the state, and easier for the
 “ conscience, to make some imperceptible
 “ change in the words of the universal
 “ oath; as instead of obedience, insert-
 “ ing subjection, and omit *so help*, replacing
 “ them with *to which*, these two words
 “ remove all difficulties, and such an oath
 “ may be chearfully taken and adhered
 “ to.

“ Your excellencies prudence and ex-
 “ perience convince you, that swearing
 “ obedience to all orders is a source of
 “ innumerable perjuries. As the observ-
 “ ance of every duty is now swelled to
 “ the obligation of a tremendous oath ;
 “ on the other hand, the submission sworn
 “ to, of performing all duties under the
 “ protection of the laws to which they
 “ belong, binds as firmly, and would better
 “ secure a proper obedience, especially against
 “ any violation of the laws, whether
 “ from negligence or obstinate depravity.
 “ Those shocking words *so help me God*, im-
 “ plying eternal curse, and which no Chris-
 “ tian should utter, might be supplied by
 “ the words *to which*.

“ This examination of his Essay, which he
 “ so much wishes for the good of the church
 “ and state, will set the whole in a clear
 “ light, and silence those malignant ca-
 “ lumnies which have brought so many
 “ evils on his grey hairs. The displeasure
 “ of the high secret council, and the pain-
 “ ful perturbations which he cannot but
 “ feel from their displeasure, it is presumed
 “ will subside. Relatively to this he can
 “ assure your excellencies, that all the drifts
 “ and views with which he is charged

“ are

“ are not only groundless, but directly
 “ contrary to what was his real design;
 “ but that his salutary views should occa-
 “ sion so many violent commotions, must
 “ needs give him a most piercing con-
 “ cern; not to mention that the ar-
 “ rest, which has been ever since the
 “ 28th of April, sits extremely heavy on
 “ his weak state of health, while he
 “ knows not by what trespass or crime
 “ he has brought this punishment on
 “ him; especially as at his examination,
 “ all the charge against him, was his
 “ not complying with professor Stopfer’s
 “ orders.

“ Being a native of the city of Berne,
 “ this blessing of providence he most thank-
 “ fully acknowledges, and sincerely believes
 “ it would be unjustifiable in him, should
 “ he neglect so valuable a privilege, and
 “ not apply to their excellencies for the
 “ justification of the innocence of his
 “ designs: although from his profound re-
 “ spect for their persons, it gives him pain
 “ to add to their great load of affairs by
 “ any concerns of his.”

Of this petition the consequence was, June 24.
 that within six days after, the premier-
 serjeant acquainted me that he desired

to speak with me in private, when he would shew me the court's sentence; yet the first time, he would neither leave a written copy of it with me, nor allow me to transcribe it.

Though it was read over to me very hastily, and I at the same time under extreme anxiety, the following I think were some of the particulars it contained, “ I
 “ should remain under arrest a twelve-
 “ month longer, all the costs should be
 “ defrayed out of the pension which the
 “ state formerly granted me. I was to
 “ procure the few copies still wanting,
 “ which was out of my power; I was
 “ to undergo a formal censure from the
 “ secret council. I should never more
 “ speak or write on the point in question;
 “ all the copies, together with all my
 “ letters and writings, were to be pub-
 “ lickly burned on the same day; and pro-
 “ fessor Stopfer's *reflections* and his letters
 “ were to be deposited in the archive.”

This sentence is grounded on the book's being dangerous, and a regulation of 1741, which I had never heard of.

The only copy remaining by me, of those which I had got back, the premier-ferjeant took away, notwithstanding my ear-

earnest representations, that I was under an absolute necessity of keeping that for my defence, till the court should have pronounced definitively : I appealed from this sentence, which the premier-serjeant would not accept, excusing himself that he had no such instruction ; on which I intreated him to bear in mind this refusal, as I would seek redress from the secret council.

Such a behaviour obliged me to throw in a petition, and I did so that very day, to the following purport, “ The secret chamber’s order, delivered to me by the premier-serjeant, has brought such a weight of troubles on me, that I can see no other resource than to make it known to your excellencies, with my most humble request, that you will not be offended at my appealing to the high court of state, that through their excellencies I may know the divine pleasure, and wait my destiny.”

Concerning my right of appeal an opinion was drawn up, to be laid before the secret council ; but was postponed, probably on account of the multitude of business. In my situation I little imagined it would be imputed to me as a crime, that
for

for the recovery of my health by a change of air and the use of the bath, I had absented myself; and as on this account I had written to Mr. W—— of the secret council, and remained without any answer, I conceived from his silence, that he had no objection to my design, as I had solemnly promised him immediately to return on the very first notice; and especially as our laws expressly say that no sentences are valid and in force, till confirmed and ratified by the secret chamber and council of state.

Notwithstanding the premises, this was so resented by the committee of the secret chamber, that they immediately of their own accord arraigned me before the council of state as one who had broke his arrest, and ordered me to be confined to the Hospital, which, as I was then entered on a course of bathing, brought very sharp pains on me, and proved very detrimental to my health. Hereupon this affair was referred to a fresh examination, before the council of state and privy chamber, without my ever being admitted to a hearing; and in such terms was the case stated, that they thought fit to pass the following sentence.

EX-

EXTRACT from the COUNCIL'S REGISTER of the CITY of BERNE.

PREMIER serjeant and recorder, their excellencies the secret chamber.

Mr. Herport, having on account of a book written and published by him, with the title of *Essay on Truths of Importance to the Happiness of Mankind*, the 24th of June 1766, been guilty of trespassing against the laws: all his writings and interrogations to the present time shall be read over.

The secret chamber, higher council, and council of state, having maturely reflected on all the circumstances relating to this affair, and in relation to the late minister Herport, who in this book has attacked both the government and the religion of our country, and ever since behaved in a very culpable manner; and this being acknowledged by him, they do pronounce and decree relatively to the same.

1. That the ordinance issued by the council, for seizing all copies of this book found in any one's hands, shall be approved of.

2dly, That as a due and well deserved punishment, he shall be deprived henceforth

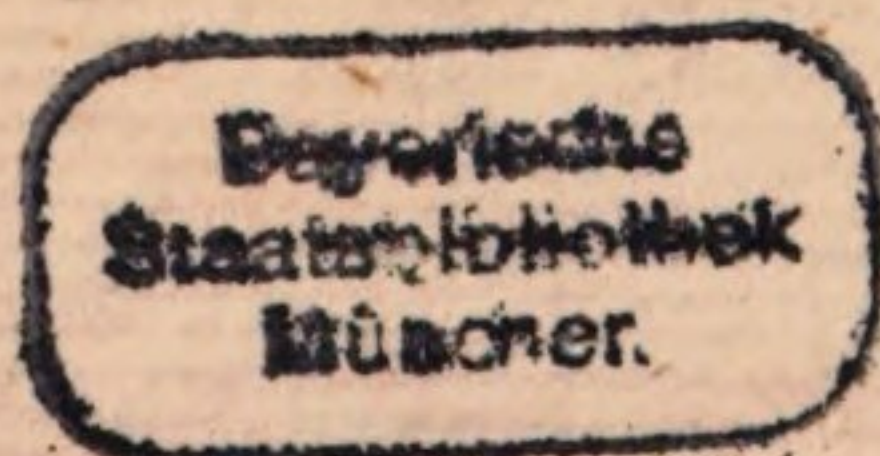
forth of his ecclesiastical office, having rendered himself unworthy of that respectable distinction.

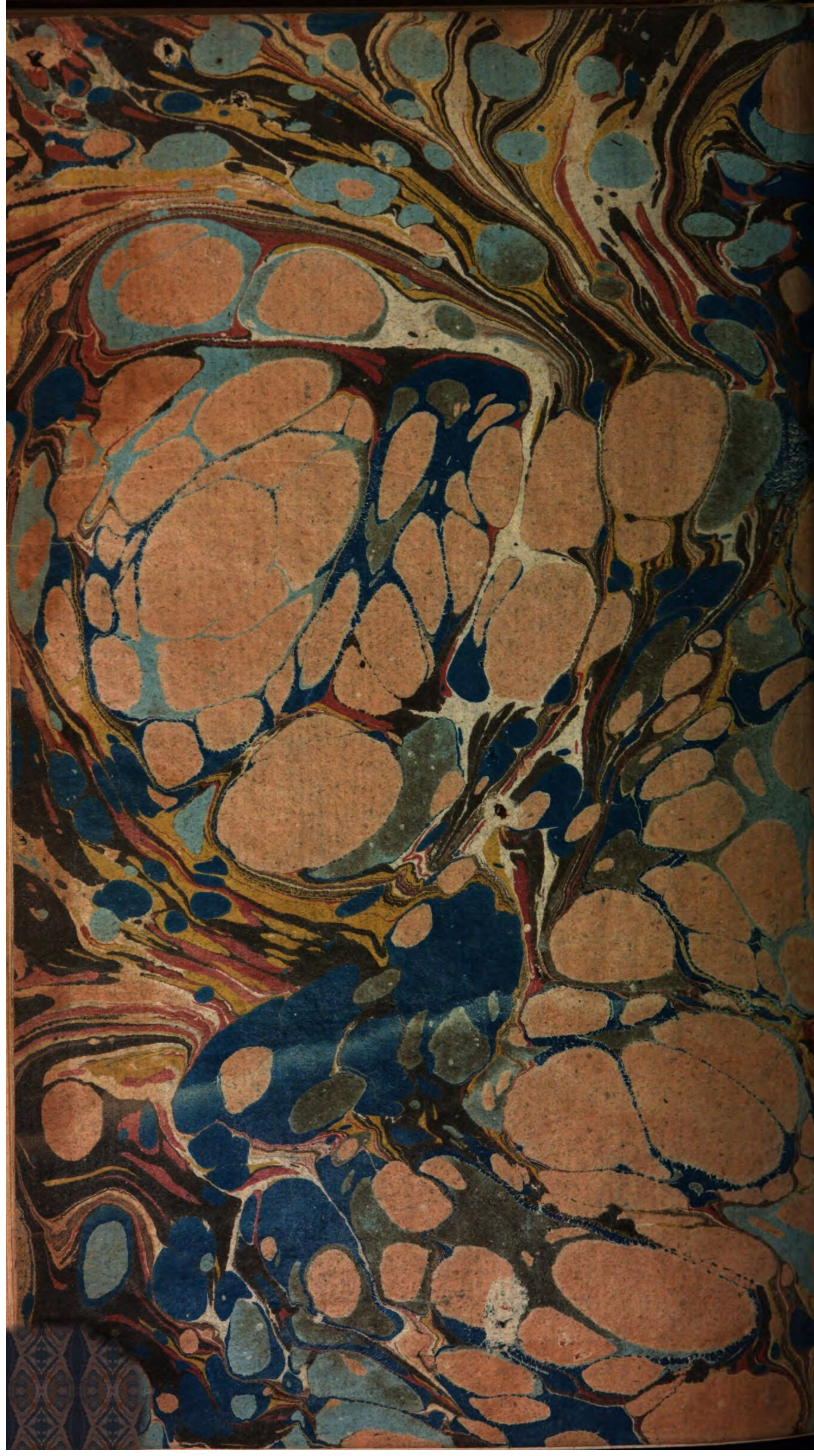
3dly, That from this time during the space of six years he shall be confined to a house, and be strictly forbidden to discourse on or communicate in any manner his singular and dangerous notions on this subject to any person whatever, as tending to propagate error and licentiousness: that should he within this period break the arrest, or otherwise act contrary to the above acknowledgement, he shall immediately be removed to the Hospital, and confined in a cell with a grate. And further that the court graciously condescends to continue him in the enjoyment of his pension, though his guilt is such that in justice he is very undeserving of such clemency.

This has been notified to the delinquent; and he has subscribed the usual protestation of punctually adhering to this confession. Done before the two hundred, the 12th of September, 1766.

Signed recorder's office at Berne.

F I N I S.









Herport, ...

An Essay on Thruths of Importance to the Hapiness of Mankind

London 1768

Mor. 480

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